15.41 hrs.

Title: Consideration and voting on the Constitution (Ninety-Sixth Amendment) Bill, 2003 (Amendment of articles 81, 82, 170 and 330) . (Bill as amended, passed)

MR. SPEAKER: The House shall now take up the Constitution (Ninety-sixth Amendment) Bill.

डॉ.विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष महोदय, इस बिल पर वोटिंग का टाइम फिक्स कर दें।

अध्यक्ष महोदय : छः बजे फिक्स कर देते हैं। Voting for this Bill will be at 6 o'clock. Now the Minister.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Mr. Speaker Sir, this House had approved and passed earlier the Constitution (Eighty-fourth Amendment) Bill, 2001, which, subsequently upon the approval by the other House, became a part of the Constitution of India. Pursuant to that amendment, the Delimitation Act of 2002 was enacted by this hon. Parliament. A Delimitation Commission was constituted comprising a retired judge of the Supreme Court, Justice Kuldip Singh, a nominee of the Election Commission, Shri B.B. Tandon and a nominee of the State Electoral Office. That Delimitation Commission has since started functioning.

After the Delimitation Commission started functioning, several Members of this House had made representations to the Government. The Delimitation Commission had also written to the Government on the basis of presentations made before it. Briefly, the contention of the Commission was that for the purposes of readjustment of the constituencies, the last public census of 1991 was being taken into consideration. While enacting the Constitution 84th Amendment, a provision had been made to the 1991 census because at that given point of time the

last available public census was of 1991, even though the census of 2001 had been completed and the processing of data was still on. It was anticipated that by the month of September or October the publication of data would be available with the Government. Therefore, a larger consensus was emerging that since this delimitation would apply till the election of 2026, that is, if elections are held at a normal period of time, this delimitation exercise would be applicable till 2031 and thereafter a new exercise would have to be conducted.

In view of this, a representation was made wherein the popular feeling was that we should incorporate and wait for the data of the 2001 census to be published and have this exercise since it is going to bind us for the next two and half to three decades by the latest published data. The Government had called an all-party meeting where different parties had expressed their opinions. Some parties had also made written suggestions to the Government. After obtaining the larger consensus of the parties, it is now proposed that the census of the 2001 should be made applicable for the purposes of this delimitation.

Now, this would involve that the number of constituencies would remain the same, both at the national level as also at the level of each State. The number of constituencies won't increase. But two factors would be taken into consideration on the basis of the 2001 census. The number of constituencies reserved for the Scheduled Castes and Scheduled Tribes would be in proportion to their population as per the 2001 census. Secondly, the re-adjustment of the constituencies into broadly equal constituency segments would be on the basis of the 2001 census. Now, the question which is likely to be asked is whether it is possible by the next anticipated general election, which is towards the end of 2004, to complete this exercise. I tried to ascertain from the Delimitation Commission whether they could endeavour into that. It is only when the data is made available to them that they can start the final exercise. But they have

indicated that since tentative datas are available, they would be continuing with the internal exercise of the Commission even now. Only after publication, they would be holding public hearings, publishing their proposals and endeavour to complete it as quickly as possible.

Sir, I may, in this regard, mention that one opinion which had been expressed across the board by several Members, both inside the House and outside, like in the all-party meeting, was about the role to be played by the associate members in the functioning of the Delimitation Commission. This has brought forth the feelings of the Members which was brought to the notice of the Delimitation Commission, both personally by me as also by a letter that I wrote to them. I got a positive response from the Delimitation Commission that the members, barring their right to vote − because the associate members do not have the right to vote − would be fully involved at every stage,

from the stage of preparation of the draft proposal onwards, as far as the functioning of the Delimitation Commission is concerned.

SHRI K.P. SINGH DEO (DHENKANAL): It is not true. The associate members are not associated at all so far. He should not go on record with wrong information.

SHRI K. YERRANNAIDU (SRIKAKULAM): After the Law Minister's intervention and after the all-party meeting, they are consulting the associate members. When they take up Orissa, they may consult you also.

SHRI ARUN JAITLEY: With these few words, I propose to this hon. House that this Bill be taken into consideration for passage.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration. "

SHRI K.H. MUNIYAPPA (KOLAR): Mr. Speaker, Sir, thank you for giving me an opportunity to speak on the subject.

According to article 82, delimitation should take place after every ten years. According to article 330, the seats should be reserved on the ratio of population. After 1971, delimitation has not taken place. After Independence, no rotation of reserved seats has taken place. Rotation is very much needed. It is because without rotation of seats, democratic system has no meaning.

Mr. Speaker, Sir, through you, I urge upon the hon. Minister of Law, Shri Arun Jaitley, to consider this. On the last occasion also, I spoke about these things. In 1993, when the same Bill came before the House, I raised the same issue. If democracy has to have any meaning and if natural justice should be there, then there must be rotation of seats.

This has to be considered very seriously. After the lapse of 55 years of Independence, we could not rotate the constituencies. What type of democracy are we running in this country? What is the answer to those people who have been voting in the reserved constituencies for the last fifty years? Likewise, in respect of the general seats in the general constituencies, mostly the Scheduled Caste and the Scheduled Tribe people have no opportunity to contest. They have no opportunity till to day to contest. They should be able to contest and this is very much needed. So, I would urge upon the Government as also our party to consider this issue. This is the only thing. I would like to have some discussion on this. There is no meaning if there is no rotation of constituencies.

According to article 82, after the delimitation exercise, the census work is completed after ten years and the delimitation process will start again. When we do the delimitation exercise, we have to have the rotation system. Even if you want more than that, you can exceed the limit of three terms or 15 years, whichever thing is possible. Then only it can revive. This is a very important issue. I hope the hon. Minister will reply to this point.

There is another important thing. It is about the reservation for women candidates belonging to the Scheduled Caste and the Scheduled Tribe communities. This should also be taken into consideration. In the reserved constituencies, the highest population is there. So, there should be reservation for the women belonging to Scheduled Caste and the Scheduled Tribe according to the population. This is the practice which is there in the *Panchayati Raj* elections. This process is going on. There is no problem at all. We are agreeable to this. So, the issue of reservation for women should also be taken into consideration keeping in mind the highest population of Scheduled Caste and the Scheduled Tribe women in the reserved constituencies. This is the most important thing.

My next point is about the number of seats reserved. According to the population today, in the Indian population, the Scheduled Caste and the Scheduled Tribe population is going up. It is going up from 18 per cent to 22.5 per cent in respect of Scheduled Caste population and, it is going up from 7.5 per cent to 10 per cent in the case of Scheduled Tribe population. The total comes to 32.5 per cent approximately but the official figure remains at 22.5 per cent only. It is so because delimitation has not been done from 1971. Therefore, my point is that the seats are not given according to the population of the Scheduled Caste and the Scheduled Tribe population. Again, you are going to amend this up to the year 2001. So, I would like to bring this issue to the notice of the hon. Law Minister, through your goodself, Sir.

15. 53 hrs. (Mr. Deputy-Speaker *in the Chair)*

My point is that at least the delimitation process should be completed immediately after the Bill is passed within this year itself. Otherwise, this will take another 10 years. The delimitation process will take more time. According to the population of the Scheduled Caste and the Scheduled Tribe people, seven to ten Parliamentary seats, and 10 to 15 Assembly seats are to be increased. At present, those who deserve could not get their rights. Hence, my point is

that from the date of passing this Bill, within one year, the delimitation process should be completed. We should give an opportunity to those who are deserving. This is one of the important aspects which I place before the hon. Minister.

These are the three important things that I wanted to place before the House. I do not know why the BJP has not come forward with the proposal for rotation of constituencies. I would like to have a clarification on this from the hon. Minister as to what is the reason for denying the natural justice by not going in for the rotation policy. I do not know why the BJP and the parties in the NDA are not agreeing to this proposal. I would also like to suggest to the President of the Congress Party and the Leader of the Opposition Shrimati Sonia Gandhi that rotation of constituencies should be followed. I hope my party will agree to this suggestion. If the Ruling Party comes forward with this proposal, I think my party will support it. If there is no rotation of constituencies, there cannot be democracy and there cannot be a meaningful Parliament. That is why I would like to submit, once again, that there must be rotation of constituencies.

With these words, I thank you very much for giving me this opportunity to speak on this Bill.

SHRI MANABENDRA SHAH (TEHRI GARHWAL): Mr. Deputy-Speaker, sir, the Election Commission is going to take up the exercise of delimitation on the basis of 2001 Census and this Bill provides that this be assigned to the Legislative Assembly of different States as readjusted on the basis of 2001 Census. There is also another proviso that as far as practicable, geographically compact areas, physical features, existing boundaries of administrative units, facilities of communication and public convenience shall be borne in mind and this is supposed to be not mandatory. In the States Reorganisation Act in respect of Uttaranchal, a similar provision exists and when we discussed this matter with the Government before the Bill creating the State of Uttaranchal came up here, we were told that this proviso has been specially put there to safeguard the interests of the hills, because the hill region is spread out, geographically it is very wide. Therefore, they said that this proviso would not only be applicable after fixation of the quota of seats, but during the fixation of the quota. This is what we were told at that time.

Sir, I have had a very long innings in Parliament and I have seen that where the hills are concerned, they have always kept this point in mind. I have had 2 ½ districts under my constituency and they continue to have the same number of MLAs and MPs. Under the new Census, they are endeavouring to change this. When we met the Government as associate members, we were told that of all the districts in Uttaranchal, only from Hill districts one seat would be removed. This means that six seats from the hills are going to be reduced and given to the non-hill areas. This is a departure from the practice followed in the last 50 years and this is also a departure from the time when we were in the State of Uttar Pradesh. This is where we had great objections and in the meeting, we, as associate members from all the parties, vehemently and unanimously opposed that geographical features etc. should not be overlooked and they should be part of the delimitation prior to the selecting of seats for each district. The Commission said: "No, we will work out the number of MLAs on the basis of population.

16.00 hrs.

After deciding on the quantum of Members, they would then decide the geographical features as to what should constitute the area of each MLA. This is where we have objected and we have objected vehemently.

As the Delimitation Commission is adamant that they would not do it, the only way is to come and take a decision in this House. Let this House give us the protection and we will follow it. Therefore, I seek the protection of the Government and of the House that wherever the hills are concerned, we should not be at par with the rest of the plain areas. Ours is a different situation. The scenario is different in the hills and we should therefore have different norms laid down for the hills. I am not talking of the hills in my area but also other hilly areas in different constituencies. I have seen their difficulty too and this must be solved.

Therefore, I request the Government to consider this. We have sacrificed a lot. हमने खून दिया और मलाई और को मिले । खुदा के वास्ते आप न करें मेरा आपसे अनुरोध है कि इसे आप गम्भीरता से सोचे । आज की मीटिंग में सरकार हमें कुछ आश्वासन दे और बिल की फोर्म में, एक्ट की फोर्म में, नोटिफिकेशन की फोर्म में आप हमें प्रोटैक्शन दें, यह मेरा आपसे अनुरोध है।

SHRI SOMNATH CHATTERJEE (BOLPUR): Mr. Deputy-Speaker Sir, it appears that there is a consensus between the Government and the main Opposition Party on this, and probably some other parties are also supporting.

We have a basic question and I hope the hon. Minister will clarify this. It seems very innocuous and seems very proximate to the Census that has been held in this country. But the main issue that we are raising is about the publication of the relevant figures after the Census.

The 2001 Census process has been gone through, but the results are yet to be known. When these results will come, I do not know. The hon. Minister can tell us if he has any information. The next election is due in 2004.

SHRI K. YERRANNAIDU (SRIKAKULAM): How can he say 2004?

SHRI SOMNATH CHATTERJEE : Maybe in 2003. I should welcome 2003.

SHRI K. YERRANNAIDU : On the basis of past experience, we cannot say.

SHRI SOMNATH CHATTERJEE : It depends on his Party.

The question is that of next election; it may be in 2003 or 2004. I should thank him for the indication that he has given.

SHRI K. YERRANNAIDU : My wish is for five years. People have elected us for five years.

SHRI SOMNATH CHATTERJEE : It is because the main ally wants it in 2004, probably it should be in 2004. Without being in the Government, they are enjoying the best.

Sir, the 1991 figures will be the only figures, which can be looked into by the Delimitation Commission. The figures of 2001, that we now thought of, would not be available to the Delimitation Commission.

Let the hon. Minister satisfy us. After doing all these exercises it will be implemented only after the next election. Then, is it not a case of postponing the overdue delimitation? I remember in the Consultative Committee attached to the Ministry of Home Affairs - Shri L. K. Advani, who is our distinguished Deputy Prime Minister now − Shri Advani had always been advocating for fresh delimitation of constituencies. I believe it is right. Now, that cannot be undertaken at all. It is right that we have made it to 2026. It can be preponed also. Nobody knows what would be the composition of the House later on, what will be the combined wisdom of the next House then? Why must the next election be held only on the existing 1991 Census? The object is, the 2001 Census will be of no effect, the present Census should continue. Therefore, what we are saying is that instead of trying to mention a figure 2001, which would be a paper provision in the Constitution for quite some time to come, we should stick to 1991 Census figures which are available in full.

In this country, in our combined wisdom, we have decided about the fixed number of seats in this House. We have decided that 2026 will be the year which will be the next effective Census year. We are amending article 81(3)which has relevance for the purpose of sub-article (2) which decides the number of seats in the Parliament or in the State Legislatures, as the case may be, as well as the size of the territorial constituencies to their ratio between the population of each constituency and the number of seats allotted. There is a law but I should say Sir, there is a total unthinking, if I may use such an expression. Our feeling is that the Government is trying to postpone the effect of the 2001 Census for the next election.

Therefore, we say, it should be 1991 Census, as it is today. It is only for the consumption of the people that 2001 Census figures should be taken note of. It is because that is proximate, that will take into account the changes that have come out of natural process, out of migration, or out of the lowering of birth rate also in some States. Therefore this is an important thing. The Census has been done. It is not available to the country or to the Delimitation Commission. So, this is just an exercise in futility insofar as the coming Lok Sabha election is concerned. The hon. Minister has rightly reminded us that the process has started. Shri Yerrannaidu feels it will be all over by October. He has just now said that. When will the 2001 figures be made available? What are the figures on which they will work? I do not know effectively whether the associate Members have been consulted effectively or not. When will that be done? Therefore, Sir, Constitution amendment cannot be done just for the purpose of the public consumption. It should be done. It is going to be the part of the organic law of the country. That is the process of highest form of legislation that we can go through.

We are now participating in a Constitution-making process. It cannot be just for the sake of it and it cannot be just because some parties feel so. It should be done with full consensus. Yes, an attempt was made. A meeting was held where people had expressed their views. Then, some Parties had been asked to give it in writing, if necessary. I do not know whether Shri Yerrannaidu's Party has given any written note or not. Shri Yerrannaidu, have you submitted any written note? ...(*Interruptions*)

SHRI K. YERRANNAIDU: No.

SHRI SOMNATH CHATTERJEE : You have not submitted it. You always agree with them.

Therefore, Sir, we would need some clarifications on this. ...(*Interruptions*)

SHRI K. YERRANNAIDU : Major Parties have agreed to it. We have to go with the majority opinion. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : You see the result, what will happen to you.

Therefore, Sir, I am requesting the hon. Minister to really explain the rationale of this *vis-à-vis* the effect of it in the next election, be it this year or be it next year; whether these Census figures of 2001 can at all be relevant or will at all be relevant. This is important. That is why, I think, let us not tinker with the Constitution. We can do it next time if there is a sufficient majority with the then Ruling Party because these are all temporary phases. The next Ruling Party will decide about it; the ruling combination will decide about it. Heavens will not fall before that because this is a paper provision which is being made today.

Therefore, Sir, on principle we feel that the Government should have hastened slowly in this matter.

SHRI K. YERRANNAIDU (SRIKAKULAM): Mr. Deputy-Speaker, Sir, by the Constitution (Eighty-Fourth) Amendment, in the year 2001, we had frozen the number of constituencies till 2026. We passed the De-limitation Act based on 1991 Census. Already 2001 Census figures are available but according to the Government, official figures are not announced in the Gazette. Once the 2001 Census figures are available, we need not go by the 1991 Census figures because the same Census figures will continue up to 2026. So, it is outdated. That is why, my request to the hon. Minister is that the Census figures should be published and handed over to the Delimitation Commission as early as possible and based on 2001 Census, they have to complete their job. Election is a continuous process. What was the life of 11th Lok Sabha and what was the life of 12th Lok Sabha? If the Delimitation Commission, according to 2001 Census, completes its job, then for the Assembly election or even for Parliament, naturally it will apply. If the figures are not available and the Census has not been completed, then we have to go with the available figures of 1991 Census. ...(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Unless the figures are available, it cannot be done. ...(*Interruptions*)

SHRI K. YERRANNAIDU : The hon. Minister has just now said that it would be available in the month of September or October. That is why, we are supporting this Bill.

Secondly, for the Delimitation Commission also, we have to give certain directions. The delimitation should be according to the provisions of the law, according to the guidelines. The discretionary powers are more with the Delimitation Commission. So, discretionary powers should be less. Everything should be governed by the rules. Based on the Delimitation Act, we have to frame the rules and we have to give guidelines to the Delimitation Commission as to when it will start, how it will start, and how it will end. Otherwise, the geographical boundaries will change; somebody may influence, somebody may not influence; and everybody will discuss about it.

So, we have to frame the guidelines without giving more scope for discretionary power. Then, everybody will accept the delimitation. With these words, I am supporting this Bill.

SHRI C. KUPPUSAMI (MADRAS NORTH): Mr. Deputy-Speaker, Sir, I thank you very much for giving me an opportunity to participate in the discussion on the Constitution (Amendment) Bill.

On behalf of the DMK, I would like to say a few words. I am an Associate Member in the Delimitation Commission. I am supporting and offering my views. ...(*Interruptions*) Finally, I will say, I support the Bill. Please wait.

But the Associate Members are not given effective say in the matter and there is no assurance that the views expressed by the Associate Members will be taken into account. Now, the Constitution (Amendment) Bill proposes to do rationalisation of constituencies on the basis of 2001 Census data. We do not mind if the Census data of 2001 is taken into account for rationalisation. But, while doing so, the Delimitation Commission should make a detailed study and a thorough examination of the pros and cons. The constituencies should not be arbitrarily re-fixed or readjusted without considering the views of the major political Parties.

Sir, I would request the hon. Minister to see that the Associate Members are given adequate powers and they have a say in the Delimitation Commission in respect of seats allocation, readjustment of territorial constituencies and rationalisation of constituencies. I am an Associate Member of the Delimitation Commission but our experience in the Delimitation Commission is most unsatisfactory. The Chief Electoral Officer may be urged upon to provide the

information, statistical data, constituency-wise maps demarking *Panchayat* blocks and *Panchayats*, along with revenue territories, proposed lay-out map of each constituency, consequences of readjustment, re-fixation of various constituencies, to the Associate Members well in advance, giving sufficient time for them to make a thorough study so that they can provide valuable inputs and contributions to the Commission before the report is presented.

In addition to having meetings in the Delimitation Commission and considering the views of the Associate Members, the Delimitation Commission should also hold public hearings at different centres where various leaders of political Parties, intellectuals including lawyers, political thinkers, demographers and other experts are invited to elicit their views. Only after carefully considering the views expressed by the Associate Members and the views and opinions of various parties and experts given in the public hearings, the Delimitation Commission can give its report, on the basis of these views.

Hence, considering all the views expressed by me, I hope, the hon. Minister will react to what I have said. I support the Bill.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : उपाध्यक्ष महोदय, इस सदन के लिए संविधान का संशोधन करना बड़ा महत्वपूर्ण काम होता है लेकिन मुझे अफसोस है कि संविधान संशोधन जैसे मामले पर भी सरकार सुविचारित और सुचिन्तित विधेयक नहीं ला पाती। मैं आपसे और सरकार से दर्ख्वास्त करूँगा कि 84वें संविधान संशोधन विधेयक पर जब बहस हुई थी तो उस समय एक विचार हुआ था। उसमें कृपा करके देखा जाए कि संविधान का आर्टिकल 82 क्या कहता है।

उपाध्यक्ष महोदय, संविधान का अनुच्छेद 82 बोलता है कि " प्रत्येक जनगणना के बाद पुनः समायोजन " इसलिए जब यह 84वां संशोधन विधेयक आया था, तो कानून मंत्री को याद होगा, यदि याद नहीं हो, तो प्रोसीडिंग्स निकाली जाएं, आज जिस बात के लिए संविधान संशोधन विधेयक आया है, ये सारी बातें उस समय कही गई थीं। हमने कानून मंत्री महोदय से आग्रह किया था कि कोई भी यदि इस बात को सुनेगा कि 2000 के बाद वर्ा 2001 में सैंसस होगा और 2001 के बाद जो लिमिटेशन होगा, उसमें 1991 की जनगणना के आधार पर यदि लिमिटेशन होगा, तो यह असंवैधानिक कहा जाएगा, हास्यास्पद कहा जाएगा। हम लोग भुक्तभोगी हैं, हम पर टिप्पणी की जाती हैं। यहां भी कहा कि बहस करा देते हैं। 2001 के बाद डीलिमिटेशन होगा और बाद में एक से एक न्यायमूर्ति ने टिप्पणी की। संयोग से बीच में दूसरे कानून मंत्री आ गए थे, उससे पहले भी जेटली जी थे और अब भी जेटली जी हैं। इसलिए मैं सभी बातों की याद दिलाना चाहता हूं। कभी-कभी सत्ता पक्ष का मुख्य विपक्ष से तालमेल हो जाता है, तो उस समय कोई कायदा-कानून नहीं देखते और जो मन में आता है वह कानून पास कर लेते हैं, लेकिन बाद में उसके प्रोज एंड कौन्स पता चलते हैं और बाद में पता चलता है कि उसका क्या प्रभाव पड़ता है। यह कितने अफसोस की बात है कि बाहर कहा गया कैसे मैम्बर ऑफ पार्लियामेंट हैं जो इस प्रकार का विधेयक पास करते हैं। कानून मंत्री ने दावा किया कि यह बहुत बुद्धिमत्ता और कानूनवेत्ता का परिचय देकर लाया गया है, लेकिन जब पुनर्सीमांकन आयोग ने पत्र लिखा कि वर्ा 2002 या 2003 में डीलिमिटेशन होगा, तो वर्ा 2001 की जनगणना के संपूर्ण आंकड़े जल्दी से उस कार्य को पूरा कर के दिए जा सकते हैं। वह कार्य तेजी से करना चाहिए। जनगणना विभाग से निवेदन किया जा सकता था कि जनगणना का काम तेजी से होना चाहिए। जब पुनर्सीमांकन आयोग ने पत्र लिखा, तब इन्होंने उस बात को माना।

महोदय, यहां दिल्ली के सांसद नहीं बैठे हैं। यह बहुत सैंसिटिव मामला है, लेकिन दिल्ली के सांसद उपस्थित नहीं हैं। ऐसा प्रतीत होता है कि वे वोटिंग के समय ही आएंगे। दिल्ली के श्री मदन लाल खुराना जी, प्रो. विजय कुमार मल्होत्रा जी उपस्थित नहीं हैं। उन्हें इसमें रुचि लेनी चाहिए। मुख्य विपक्षी दल और सरकारी पक्ष यदि मिल जाए, तो कुछ भी कराया जा सकता है। संविधान की धारा 82 बोल रही है कि प्रत्येक जनगणना के बाद समायोजन होना चाहिए। जब 2002 में डीलिमिटेशन होगा, तो 1991 की जनगणना के आधार पर उसके होना का कोई आधार नहीं है क्योंकि 2001 में जनगणना हो चुकी है। इसलिए यह बड़ी हास्यास्पद स्थिति है। इस बारे में सारी बहस हुई है, लेकिन उसको सुनता कौन है ? जब मुख्य विपक्षी दल और सत्ता पक्ष मिल जाते हैं, तो फिर कोई कानून पास कराया जा सकता है। उसमें नियम, कानून और संविधान की धाराओं की व्याख्या का कोई अर्थ नहीं रह जाता है। इसलिए यह जो संशोधन विधेयक आया है, यह उचित है, भूल सुधार हुई है। इस हेतु सरकार को खड़े होकर कहना चाहिए कि हमने कसूर किया है, गलती की है।

महोदय, सदन के जितने भी लोग हैं, उन सब की धज्जियां उड़ाई गईं, लेकिन हम लोग क्या करें? अब 2001 की जनगणना के आधार पर परिसीमन किए जाने का जो संशोधन आया है, यह संविधान सम्मत है। उस समय जो 84वां संविधान संशोधन हुआ था, वह संविधान सम्मत नहीं था, वह असंवैधानिक था। आर्टीकल 82 की भावना के खिलाफ था। 2001 की जनगणना के आधार पर डीलिमिटेशन कानून भी पास हुआ है, तो क्या केवल संविधान संशोधन विधेयक 96वें पारित कर देने से हो जाएगा या डीलिमिटेशन कमीशन में भी 1991 की जगह 2001 लिखना होगा।

डिलिमिटेशन कानून जो बना है, उसमें 1991 लिखा है, आप उसमें भी 2001 लिखाएंगे और तब इसकी प्रक्रिया फिर शुरू हो जाएगी। इस तरह सुविचारित और सुचिंतित संविधान संशोधन कैसे नहीं हो रहा है, जिस समय यह बिल पास हो रहा था - डिलिमिटेशन का या संविधान संशोधन का बिल पास हुआ हो, माननीय सदस्यों ने आम तौर पर उसमें रूचि नहीं ली। जैव अखबार छापने लगा कि यह रिजर्व हो रहा है, यह रिजर्वेशन टूट रहा है तो लोगों में छटपटाहट होने लगी। असेम्बली, राज्य में सब अखबार वाले छापने लगे कि यह हट रहा है, नया हो रहा है, बढ़ रहा है, घट रहा है। यह सारा मामला हम लोगों से ही संबंधित है, जो पार्लियामेंट के मेम्बर हैं, वोट लड़ना चाहते हैं अथवा असेम्बली के जो सदस्य वोट लड़ना चाहते हैं, उन्हीं से संबंधित यह मामला है, लेकिन अब उसमें लोग मुस्तैद नहीं होंगे। जब यह बिल पास हो जाएगा तो उसका कुप्रभाव पड़ने लगेगा और लोगों में बेचैनी शुरू होगी। इसलिए संविधान के हिसाब से डिलिमिटेशन का जो नया कानून बना, उस समय हम लोगों ने पारित किया। उसमें यह आना चाहिए था कि यह विधेयक भी आएगा। चूंकि यह संविधान संशोधन है, उसे भी पारित करके, यह डिलिमिटेशन आयोग में जाना चाहिए।

महोदय, डिलिमिटेशन आयोग बना, ठीक बात है। जिन एसोसिएट मेम्बर्स का आसन से चुनाव हुआ, हरेक राज्य में पांच-पांच लोक सभा सदस्य चुने गए और विधान सभा के भी पांच-पांच सदस्य चुने गए। कुछ राज्यों में सुना है कि डिलिमिटेशन आयोग ने अपने मन से कर लिया है, उन्होंने बैठक बुला कर केवल रस्म पूरी कर ली है कि आप एसोसिएटर मेम्बर्स हैं, आपको वोटिंग की पावर नहीं है, इसलिए आप लोग खाली सुन लीजिए। डिलिमिटेशन आयोग ने जो निर्णय कर लिया, वही हो गया। यह बात जब हम लोगों के सुनने में आई, राजस्थान और दिल्ली में जानकारी मिली, कोई डिलिमिटेशन आयोग सुनने को तैयार नहीं था। इसी सदन में जब सवाल उठा तो माननीय संसदीय कार्य मंत्री जी ने दोबारा गौर किया और कानून मंत्री जी ने बैठक बुलाने का काम किया तथा सभी दल के नेताओं की बैठक हुई। उसमें यह तय हुआ कि सभी की राय ली जाए कि क्या होना चाहिए। उसमें फिर बातें उभर कर आईं कि 91 की जनगणना के आधार पर नहीं, 2001 की जनगणना के आधार पर होना चाहिए और उसी आधार पर यह कानून आया है। डिलिमिटेशन आयोग को हिदायत दी जानी चाहिए कि वे जो फार्मूला और प्रक्रिया बनाते हैं, हम असली प्र ोक्टीकल और व्यावहारिक बात बता रहे हैं, यह तो होना ही है। हम लोग वोट लड़ते हैं और आफिसर लोग बनते हैं, उन्हें इससे क्या मतलब है। जनता के बीच में हम लोग लड़ कर आते हैं, इसलिए हम लोगों से उसका मतलब होना चाहिए। उसमें यह हो रहा है कि हरेक राज्य में हुआ, उत्तर-दक्षिण की भी उसमें फिलिंग हुई, पहले जितना डिलिमिटेशन हुआ, जो सीटें बढ़ती थीं, इसमें यह हुआ कि जनसंख्या बढ़ रही है और सीटें जहां की तहां हैं।

महोदय, हम लोगों ने सवाल उठाया था कि ऐसा क्यों हुआ तो यह कहा गया कि कुछ राज्य दक्षिण के ज्यादातर राज्यों ने जनसंख्या में नियंत्रण किया, पापुलेशन कंट्रोल की प्रक्रिया तैयार की और उत्तर के चार-पांच राज्य के लोगों ने नहीं किया, उनकी जनसंख्या बढ़ गई। उन लोगों को बीमारू राज्य कहा जाता है, उनकी जनसंख्या में नियंत्रण में कमी की गई। नियंत्रण नहीं किया गया, इस वजह से उनका प्रतिशत ज्यादा बढ़ा। अब आबादी के आधार पर सीटें बढ़ाई जाएंगी और कहा जाएगा कि वे पुरस्कृत हो रहे हैं। उनका प्रतिनिधित्व और संख्या बढ़ रही है और दक्षिण वाले की घट रही है, यह कहा गया और इस भय से सरकार ने यह फैसला लिया कि या तो 71 की जनगणना के आधार पर जो सीटें तय हुई थीं, उसी आधार पर सीटें हैं।

विधान सभा की जो सीटें हैं, वे उतनी ही रहेंगी, लोक सभा की जो सीटें हैं, वे उतनी ही रहेंगी, यह 2026 तक फैसला ले लिया गया कि उन सीटों में कोई वृद्धि नहीं होगी। लेकिन अनुसूचित जाति की सीटों में वृद्धि हो सकती है। जैसे बिहार में जो डीलिमिटेशन कमीशन बैठा, उसने फार्मूला बनाया। बिहार का बंटवारा हो गया, दो राज्य बिहार और झारखण्ड बन गये। दोनों को मिलाकर सम्पूर्ण बिहार में पहले आठ सीटें शैड्यूल्ड कास्ट्स के लिए रिजर्व थीं। बंटवारे के बाद सात सीटें बिहार में हो गईं और एक सीट झारखण्ड में हो गई। लेकिन आबादी के परसेंटेज के हिसाब से झारखण्ड में दो सीटें होनी चाहिए। बिहार में एक सीट घटनी चाहिए, बिहार में सात में से छः हो जाएंगी और झारखण्ड में एक सीट रिजर्व थी, उसमें दो हो जाएंगी, यह आपके फार्मूले से होगा।

जो लोग शैड्यूल्ड कास्ट्स के वोट से चुनाव लड़कर आते थे, उनके अन्दर छटपटाहट होने लगी कि कौन सी सीट हटेगी, कौन सी सीट जनरल हो जायेगी। रामविलास पासवान बड़े भारी नेता हैं, उनको लगा कि उनकी सीट जनरल हो जायेगी तो बड़ा अच्छा है, लेकिन वे लोग बिना रिजर्व सीट के मैम्बर होने वाले नहीं हैं, इसलिए छटपटाहट दिखा रहे हैं। अखबार वाले ने छाप दिया कि यह खोलकर जनरल हो रही है, इस सीट के बदले यह सीट हो रही है तो पैनिक हो गया। हम लोग कमीशन के मैम्बर हैं, हमें डीलिमिटेशन कमीशन में आसन से आप लोगों ने चुनकर भेजा, हमसे सब लोग अपेक्षा करते थे कि ये हम लोगों को बताएंगे, लेकिन हम लोगों को कुछ मालूम ही नहीं था। न कोई बैठक हुई थी, कोई जानकारी नहीं थी और अखबार छाप रहा था। बाद में जब सदन में सवाल उठा तो माननीय संसदीय कार्य मंत्री ने बैठक बुलाई और डीलिमिटेशन कमीशन को बुलाया तो हम लोगों को नोटिस हुआ। हम लोगों को बुलाया गया और फार्मूला बताया गया कि इस फार्मूले से है। हम लोगों ने अपने सुझाव भी दिये।

उसमें अनुसूचित जाति की विधान सभा की 39 सीटें बंटवारे के बाद पहले से रिजर्व थीं, लेकिन लोग कहते हैं कि बिहार में शैड्यूल्ड ट्राइब्स नहीं हैं, दो सीटें बंटवारे के बाद शैड्यूल्ड ट्राइब्स की होंगी। बंटवारे से पहले बिहार में झारखण्ड सहित शैड्यूल्ड ट्राइब्स की सीटें थीं, 8-10 परसेंट, लेकिन बंटवारे के बाद दो सीटें शैड्यूल्ड ट्राइब्स की बिहार में होंगी और 39 सीटें शैड्यूल्ड कास्ट्स की थीं, वे घटकर अब 38 हो जाएंगी, एक सीट शैड्यूल्ड कास्ट्स की घट जायेगी और दो नई शैड्यूल्ड कास्ट्स की बनेंगी। इस प्रकार से 40 सीटें बिहार में रिजर्व हो जाएंगी।

उपाध्यक्ष महोदय : अब आप समाप्त कीजिए।

डॉ. रघुवंश प्रसाद सिंह : मैं कन्क्लूड कर रहा हूं। यह सब माननीय सदस्यों की रुचि का विाय है। हम जानकारी दे रहे हैं कि कैसे डीलिमिटेशन कमीशन में प्रयोग होगा, प्रैक्टीकल होगा।

श्री रघुनाथ झा (गोपालगंज) : हम लोगों के प्रतिनिधि तो आप ही वहां हैं।

डॉ. रघुवंश प्रसाद सिंह : इन लोगों की हमसे ही अपेक्षा है, सभी के हक के विाय में मैं कह रहा हूं।

उपाध्यक्ष महोदय : 20 सम्मानित सदस्यों को और बोलना है। अब आप समाप्त कीजिए।

डॉ. रघुवंश प्रसाद सिंह : मुनियप्पा साहब बोल रहे थे तो उस समय रोटेशन का सवाल उठाया था कि शैड्यूल्ड कास्ट्स की सीट का रोटेशन करना चाहिए, जिससे जनरल लोगों को भी मौका मिले। माननीय कानून मंत्री ने हम लोगों को कहा कि यह कानून में प्रस्तावित नहीं है कि उसे बदल दिया जाये, रोटेट कर दिया जाये। उसमें रीवर्कआउट होगा, मतलब जो रीएडजस्टमेंट क्षेत्र का आबादी के हिसाब से होगा। मान लिया बिहार की आबादी 2001 की जनगणना के हिसाब से 8.29 करोड़ है, उसे 243 असेम्बली की सीटों में भाग दिया जाये तो 2.07 लाख एवरेज हुआ।

वाणिज्य और उद्योग मंत्रालय में राज्य मंत्री (श्री राजीव प्रताप रूडी) : यह दू क्या होता है?

उपाध्यक्ष महोदय : दू दो होता है।

डॉ. रघुवंश प्रसाद सिंह : अभी एक दू की भी जानकारी मंत्री को नहीं है। ऐसे भी मंत्री हो जाते हैं, जिनको एक दू की भी जानकारी नहीं है। ऐसे मंत्री हो जाते हैं तो राट्र का क्या होगा।

श्री राजीव प्रताप रूडी : एक दो तीन होता है, एक दू तीन नहीं होता है।

डॉ. रघुवंश प्रसाद सिंह : करोड़ों लोग हैं जो दो को दू बोलते हैं।

उपाध्यक्ष महोदय : अब आप समाप्त कीजिये। रूडी जी, आप बिहार के हैं, आपको तो समझना चाहिये।

डॉ. रघुवंश प्रसाद सिंह : उपाध्यक्ष महोदय, इन लोगों को बिहार का कहने में अपमान लगता है लेकिन हम लोगों को बिहार का कहने में गौरव लगता है।

श्री राजीव प्रताप रूडी : जो थोड़ा बहुत बचा-खुचा है, ये लोग लाठी चला रहे हैं।

डॉ. रघुवंश प्रसाद सिंह : उपाध्यक्ष जी * सभी माननीय सदस्यों को मालूम है कि डिलिमिटेशन एक असेम्बली आबादी के हिसाब से होगी, वोटर्स के हिसाब से नहीं होगी। मान लीजिये किसी जगह की आबादी 2 लाख 60 हजार है, उसमें दस परसेंट जोड़ा जाये और फिर उसमें दस परसेंट घटा दिया जाये तो यह 2 लाख 24 हजार और 2 लाख 76 हजार के बीच में आती है। यह भी तय हुआ कि ब्लाक को जल्दी न तोड़ा जाये, पंचायत को एक यूनिट मान सकते हैं। इसलिये आबादी के बीच में उसे

* Expunged as ordered by the Chair.

रखा जाये। उसके आधार पर आबादी उस क्षेत्र की एडजस्ट होगी। उसी री-एडजस्टमेंट के बाद उस क्षेत्र के जिले में यह तय होगा कि कितनी रिजर्व रहेगी। वहां की आबादी के हिसाब से परसंटेज तय होगा। आज बिहार में 37-38 जिले हो गये हैं। और 38 सीटें असैंम्बली की रिजर्व हैं। किसी जिले में एक असेम्बली है तो किसी जिले में डेढ़ असेम्बली हैâ€¦ (व्यवधान)उपाध्यक्ष महोदय, 4 जिले ऐसे हैं जहां असेम्बली की सीट बढ़ जायेंगी।

उपाध्यक्ष महोदय : रघुवंश बाबू, आप उधर क्यों देखकर बात कर रहे हैं और अपना टाइम खराब कर रहे हैं?

डॉ. रघुवंश प्रसाद सिंह : उपाध्यक्ष जी, इस नये हिसाब से जो परसटेज होगा,, वह क्षेत्र एस.सी. का क्षेत्र रिजर्व में जायेगा। यदि पहले से दो असेम्बली हैं, उसका परसंटेज हाई रह गया तो बरकरार रहेगा। यदि दूसरे क्षेत्र में है तो दूसरे के अनुसार भी हो सकता है।

उपाध्यक्ष महोदय : अब आप एक वाक्य में कनकलूड करिये।

डॉ. रघुवंश प्रसाद सिंह : उपाध्यक्ष जी, माननीय मंत्री जी स्पट करें कि 2001 की जनगणना सूची कब तक डिलीमिटेशन कमीशन को मिल जायेगी? क्या 2004 का लोक सभा का और 2005 का बिहार आदि असेम्बली चुनाव कराने के लिये 2004 से पहले डिलिमिटेशन हो जायेगा और उसके बाद ही हम लोग चुनाव लड़ेंगे या जो डिलीमिटेशन पहले था, और हम लोग चुनाव लड़ते आये हैं, वही चुनाव का नियम रहेगा? चुनाव कैसे होगा, उस पर विचार करना चाहिये और 2001 का यह ि वधेयक पास होना चाहिये।

SHRI RAMESH CHENNITHALA (MAVELIKARA): Mr. Deputy-Speaker, Sir, I rise to support the Constitution (Ninety-Sixth Amendment) Bill, 2003. Delimitation of constituencies is very much essential for a vibrant democracy. It has to be done periodically to avoid disparity. While some of the constituencies are having more than 15 lakh or 20 lakh voters, at the same time, some other constituencies are having very less number of voters.

Mr. Deputy-Speaker Sir, you are very lucky because you have 30,000 voters in your constituency.

MR. DEPUTY-SPEAKER: I have 42,000 voters in my constituency.

SHRI RAMESH CHENNITHALA : Yes, it is 42,000 voters.

MR. DEPUTY-SPEAKER: My constituency is already small in size and you are further reducing it.

SHRI RAMESH CHENNITHALA : Yes Sir. You have only 42,000 voters, but we have 15 lakh to 20 lakh voters.

श्री राजो सिंह (बेगूसराय) : उपाध्यक्ष महोदय, अगर डीलिमिटेशन होगा तो आसन की क्या पोजीशन होगी और अगर महिला आरक्षण विधेयक पारित हो गया तो फिर क्या पोजीशन होगी।

SHRI RAMESH CHENNITHALA : Mr. Deputy-Speaker Sir, you are lucky because you have only 42,000 voters, but at the same time we have 15 lakh to 20 lakh voters. Sir, yours is a peculiar one because it is Lakshadweep island. But, in certain constituencies we are having 12 lakh to 15 lakh voters, and in some other constituencies the number of voters are very less. So, this readjustment of constituencies according to population is very much necessary.

16.41 hrs. (Dr. Raghuvansh Prasad Singh *in the Chair*)

Sir, in this context I would like to raise one or two very important points for the kind consideration of the hon. Minister for Law and Justice.

Sir, the family planning programme has been sincerely adopted by the States like Kerala. It should not be punished for that. We are, now, being punished in various allocations, and various schemes. Kerala is being continuously deprived of getting enough assistance for allocation of funds in certain Centrally-sponsored schemes. Kerala has been neglected in the fields of education, health care, and other important primary items. Kerala will not be getting its due because we are implementing the family planning programme very sincerely.

Sir, by taking this aspect into consideration, the Government has frozen the constituencies. It is highly laudable, otherwise the worst sufferers would have been the people who have sincerely implemented the family planning programmes.

Now, my suggestion is that the district may be taken as a unit. For example, in Kerala, the family planning programmes have been taken up vigorously, and they are implemented vigorously in Southern part of Kerala and the Central part of Kerala. But at the same time, the Northern part of Kerala has not taken this programme very seriously. Because of this -- if you will adopt the Census of 2001 as the basis -- the size of the constituencies in the Southern part of Kerala and Central part of Kerala will be reduced.

SHRI SURESH KURUP (KOTTAYAM): This has happened even as per the 1991 Census.

SHRI RAMESH CHENNITHALA : Yes, Sir. Even as per the 1991 Census four to five constituencies in the Southern part and the Central part of Kerala have been reduced. After the adoption of the 2001 Census as the basis, we are going to lose more than nine constituencies in the Southern and the Central parts of Kerala. At the same time eight to nine constituencies will be increased in the Malabar region, that is, the Northern part of Kerala.

So, my suggestion is that considering the social balance, the district may be taken as a unit so that the readjustment of the population could be done in order to avoid this disparity. Sir, a lot of heartburning is there in our area because we are implementing this population project effectively, and we are being punished for the same. We should not be deprived of getting our opportunities in the Assembly and Parliament because of this. So, my

suggestion is that the district may be taken as a unit.

Secondly, there is a direction that the Parliamentary constituencies may be adjusted within one district. Sir, it is not possible in a State like Kerala, and other smaller States like Delhi, etc. The Delimitation Commission said that the Parliamentary constituencies should be limited to one district. Now a days, we are aware that, for example in Uttar Pradesh, so many new districts are coming up. It is not possible to adjust a Parliamentary constituency in one district.

This is not at all practicable. This observation should be avoided; this planning of adjusting the parliamentary constituency in one district may be avoided. That is my second suggestion.

The third suggestion is regarding reserved constituencies. We should be careful and ensure that the reserved constituencies do not come nearer because in certain areas, the population of the Scheduled Castes and the Scheduled Tribes will be more and, therefore, the parliamentary or assembly constituencies should not come very nearer. That aspect should be taken care of.

The most important thing I wanted to mention here is regarding the preparation of the draft. More transparency is needed in the draft that will be prepared. Once you prepare the draft, it will be very difficult to change it. That is our experience in the *Panchayati Raj* System and also in the past. Before preparing the draft, the opinion of the associate members should be elicited, and the opinion of the State Governments should be taken into consideration.

Lastly, regarding the selection of associate members, a lot of complaints are coming. For example, in the State of Goa, the Congress has got 16 members, while the BJP has got 17.* These kinds of differences should be taken care of.

सभापति महोदय : वह असेम्बली का विाय है। असेम्बली के अंदर की बात और स्पीकर की बात रिकार्ड पर नहीं जाएगी।

SHRI RAMESH CHENNITHALA: These kinds of disparities should be avoided. Otherwise, it leads to a lot of confusion.

With these words, I conclude my speech.

श्री राजो सिंह (बेगूसराय) : सभापति महोदय, एक स्पटीकरण आप देंगे या मंत्री जी देंगे, हम किनसे पूछें?

सभापति महोदय : बीच में स्पटीकरण कहां से आ गया? अभी माननीय सदस्य को बोलने दें।

श्री राजो सिंह : आप जब भााण कर रहे थे, तो आपने कहा कि लोगों को दिलचस्पी नहीं है। ऐसी बात नहीं है। लोगों की दिलचस्पी है मगर समय की पाबंदी है। मेरा स्पटीकरण यह है कि जो 44 हजार और 45 हजार तथा 60 हजार पर पार्लियामेंट का क्षेत्र बना हुआ है और वह एक स्टेट माना जा रहा है, उसको दूसरी स्टेट में मिलाया जा सकता है या नहीं? यह स्पटीकरण आप देंगे या माननीय मंत्री जी देंगे?

सभापति महोदय : जब मंत्री जी जवाब देंगे, तब इस बारे में बताएंगे।

* Not Recorded.

श्री महेश्वर सिंह (मंडी) : सभापति महोदय, जो संविधान संशोधन विधेयक डीलिमिटेशन के संबंध में माननीय विधि मंत्री महोदय ने विचारार्थ इस माननीय सदन में प्रस्तुत किया है, उसके समर्थन में बोलने के लिए मैं खड़ा हुआ हूँ।

महोदय, यह सत्यता है कि 2001 के जो सैन्सस के फिगर्स हैं, वह लगभग तैयार हैं और उनकी नोटिफिकेशन होनी है और यह न्यायोचित मांग थी कि जब हम डीलिमिटेशन प्रोसेस कर रहे हैं और तीस वर्ाों के अंतराल के बाद कर रहे हैं, तो यह आवश्यक है कि लेटैस्ट फिगर्स ली जाएं क्योंकि न जाने अगला डीलिमिटेशन कब हो। यह भी सत्यता है क्योंकि बहुत वर्ाों के बाद यह डीलिमिटेशन प्रोसैस हो रहा है। अनेक स्थानों पर पॉपुलेशन को लेकर, भौगोलिक स्थिति को लेकर बहुत सारी ि वसंगतियां हैं। मुझे आशा ही नहीं, अपितु पूर्ण विश्वास है कि इस परिसीमन के पूर्ण होने पर वह सारी विसंगतियों को दूर करने का प्रयास किया जाएगा। उदाहरणतः मैं आपके माध्यम से मंत्री महोदय का ध्यान हिमाचल प्रदेश की ओर ले जाना चाहूँगा। वैसे तो हिमाचल की परिस्थिति से मंत्री जी व्यक्तिगत रूप से परिचित हैं। हिमाचल की कुल जनसंख्या 1991 के सैन्सस के अनुसार 51,70,877 है जिसको चार लोक सभा सीटों में बांटा गया है। चारों में जो जनसंख्या है, उसका ध्यान रखा गया है और उसके अंतर्गत लगभग 12,92,719 की जनसंख्या पर एक चुनाव क्षेत्र है, लेकिन क्षेत्रफल का कोई ध्यान नहीं रखा गया है।

सभापति महोदय, जैसा मैंने कहा कि हिमाचल प्रदेश का कुल क्षेत्रफल 55 हजार वर्ग किलोमीटर है और जिस क्षेत्र का मैं प्रतिनिधित्व करता हूं, वह 32 हजार वर्ग किलोमीटर में फैला हुआ है और शेा 23 हजार किलोमीटर क्षेत्र का तीन सांसद प्रतिनिधित्व करते हैं। इस प्रकार आधे से ज्यादा हिमाचल प्रदेश के क्षेत्र का मैं केवल

अकेला सांसद हूं। मेरे मंडी संसदीय क्षेत्र में जनजातीय क्षेत्र लाहौल-स्पीति, किन्नौर और भरमौर भी आते हैं जिनकी जनसंख्या 2 लाख 18 हजार 349 बैठती है। यह सारा का सारा भाग मंडी संसदीय क्षेत्र में है। यह ऐसा क्षेत्र है, जो हिमपात के कारण, साल में नौ महीने देश के शेा भागों से कट जाता है और आने-जाने का रास्ता भी बन्द हो जाता है। केवल हेलीकॉप्टर सेवा ही चलती है और वह भी केवल दो-तीन महीने के लिए ही चलती है।

महोदय, मैं देखता हूं कि पूर्वोत्तर राज्यों में कई स्थानों पर एक-एक लाख पर चुनाव क्षेत्र हैं। जैसा यहां कहा गया कि उपाध्यक्ष महोदय के अपने क्षेत्र में 40 हजार की जनसंख्या पर एक चुनाव क्षेत्र है। हमारे हिमाचल के जो जनजातीय क्षेत्र कहलाते हैं, वे सारे के सारे सीमावर्ती क्षेत्र हैं। एक तरफ चीन का बॉर्डर लगता है और दूसरी तरफ पाकिस्तान की सीमा लगती है। ये नैचुरल बाउंड्रीज हैं, लेकिन हिमाचल में 2 लाख 18 हजार 349 जनजातीय क्षेत्र की आबादी होने के बावजूद कोई भी क्षेत्र जनजातीय संसदीय क्षेत्र के लिए आरक्षित नहीं किया गया है, बल्कि इसको भी ओपन क्षेत्र में रखा गया है। इसलिए मेरा नम्र निवेदन रहेगा कि जहां पीछे 17 असैम्बली सैगमेंट पर एक संसदीय क्षेत्र बनाया गया है, वहां भौगोलिक स्थिति का ध्यान रखना चाहिए था, लेकिन वह नहीं रखा गया। मैं इस बात से सहमत हूं कि अभी जो लोक सभा क्षेत्रों की संख्या है, वह संभवतः नहीं बढ़े, लेकिन इतना तो ध्यान रखा जाए, जैसा कि यहां माननीय सदस्य मानवेन्द्र शाह जी ने कहा कि पहाड़ी क्षेत्रों की स्थिति बिलकुल भिन्न है और हम चाहते हुए भी पांच साल में सारे क्षेत्र में नहीं घूम सकते हैं क्योंकि बिखरा हुई आबादी है और विस्तृत क्षेत्र है। आज के युग में हर मतदाता की यह इच्छा रहती है कि पांच साल में कम के कम एक बार उसके क्षेत्र का सांसद उसके गांव में जरूर आए, लेकिन यह हमारा दुर्भाग्य है कि चाहते हुए भी हम हर गांव में नहीं जा सकते। इसलिए इस बात का ध्यान रखा जाना चाहिए।

महोदय, जहां तक विधान मंडलों का सम्बन्ध है, उसमें भी बहुत ज्यादा विसंगति है। हिमाचल प्रदेश में जो एवरेज पापुलेशन है, वह विधान मंडलशः 76 हजार 133 बैठती है, लेकिन जो मेरा गृह जिला कुल्लू है, महोदय उससे पहले भी अन्याय हुआ, जब पहले डीलिमिटेशन हुआ, उस समय उसे सिर्फ तीन विधान मंडल सीटें मिलीं। विधान मंडलों का डिस्ट्रिक्ट यूनिट है, मैं इससे सहमत हूं, यह डिस्ट्रिक्ट ही रहना चाहिए। शायद लोक सभा के लिए तो यह सम्भव नहीं है। कुल्लू जिले में केवल तीन विधान सभा क्षेत्र हैं। कुल्लू जिले की जो आबादी है वह 3 लाख 2 हजार 432 है। अर्थात् एवरेज पॉपुलेशन एक क्षेत्र की 1 लाख 804 है जबकि हमारे बराबर की पापुलेशन, बल्कि उससे कम पापुलेशन हिमाचल प्रदेश में है, उन्हें एक विधान मंडल माना गया है। मैं इस बारे में हिमाचल प्रदेश के ही जिला बिलासपुर का उदाहरण देना चाहूंगा जिसकी जनसंख्या 2 लाख 95 हजार 87 है और उसे चार विधान मंडल सीटें मिली हैं, जबकि कुल्लू जिले की आबादी उससे ज्यादा होते हुए भी केवल तीन सीटें ही मिली हैं। मुझे विश्वास है कि इन सब बातों की ओर ध्यान दिया जाएगा।

महोदय, मैं, मंत्री महोदय के ध्यान में यह भी लाना चाहता हूं कि पीछे डिस्ट्रिक्ट री-आर्गेनाइजेशन को लेकर, सीटों के घटने-बढ़ने को लेकर, हिमाचल प्रदेश में बड़ा वि वाद रहा। वे इस बात से व्यक्तिगत रूप से परिचित हैं। मैं आपके माध्यम से उनसे आग्रह करना चाहता हूं कि प्रान्तीय सरकारों को भी इस प्रकार का सुझाव जाना चाहिए कि यदि कोई प्रान्त आने वाले समय में नए जिले गठित करने पर विचार कर रहा है या जिलों के पुनर्गठन पर विचार कर रहा है, तो उसे वह काम परिसीमन से पहले कर लेना चाहिए, ताकि पुनः इस प्रकार की विसंगतियां पैदा न हों।

महोदय, मैं अन्त में कहना चाहता हूं कि जिस बात की यहां शंका व्यक्त की गई है कि पहले जो डीलिमिटेशन का प्रौसैस था, वह 12 जुलाई, 2002 से शुरू हुआ था और अब एक बार पुनः एसोसिएट मैम्बर्स को हिमाचल प्रदेश में सरकार बदलने के कारण, पूरी तरह से बदल दिया गया है, कहीं उसी प्रकार से लोक सभा चुनावों के बाद न हो । इसलिए कम से कम आने वाले लोक सभा चुनाव से पहले यह सुनिश्चित कर देना चाहिए कि यह सारा का सारा प्रौसैस पूरा हो जाए, अन्यथा यह सारी की सारी एक्सरसाइज फ्यूटाइल हो जाएगी। जैसा मंत्री जी ने कहा, मुझे आशा ही नहीं बल्कि पूर्ण विश्वास है कि जो जनगणना की टैंटिव फिगर्स हैं, उनके आधार पर डीलिमिटेशन कमीशन को अपना काम शुरू कर देना चाहिए, लेकिन जल्दी से जल्दी कन्फर्म फिगर्स, औथेंटिक फिगर्स भी आने चाहिए ताकि लोक सभा के अगले चुनाव जो वां 2004 के सितम्बर-अक्तूबर में होने हैं, उनसे पहले यह सारा का सारा प्रौसैस पूरा हो जाए। यदि ऐसा नहीं हुआ तो दोबारा एक डिलिमिटेशन कमीशन बनाना पड़ेगा, क्योंकि वर्तमान डिलिमिटेशन कमीशन का जो कार्यकाल है वह 20 जुलाई, 2004 तक ही है। इसलिए मुझे आशा ही नहीं बल्कि पूर्ण विश्वास है कि मंत्री जी इस बात को सुनिश्चित करेंगे कि सारी की सारी प्रोसेस समय रहते कम्पलीट की जाएगी।

श्री राशिद अलवी (अमरोहा) : सभापति महोदय, मैं बहुत लम्बी बात नहीं करना चाहता हूं, अमेंडमेंट सिर्फ इतना ही है कि 2001, 1991 की जगह आ रहा है। अगर यह पहले आ जाता तो ज्यादा अच्छा होता और टाइम भी बच जाता। मैं सरकार से पूछना चाहता हूं कि डिलिमिटेशन का प्रोसेस कब तक पूरा हो जाएगा। इससे कई बातें पैदा हो जाएंगी - एक तो जिन लोगों को चुनाव लड़ना है, अगर बिलकुल चुनाव के नजदीक कांस्टीट्यूएंसी में तब्दीली आती है तो चुनाव लड़ना बहुत मुश्किल हो जाएगा। मैं मंत्री जी की तवज्जोह इधर चाहूंगा कि एसोसिएट मेम्बर्स की मदद से डिलिमिटेशन होगा। अगर डिलिमिटेशन इस चुनाव के बाद होता है या इस चुनाव के पहले नहीं होता है, तो नयी लोक सभा आ जाएगी और नई लोक सभा आएगी तो एसोसिएट मेम्बर्स भी बदल जाएंगे। ये सारा जो एसोसिएट मेम्बर्स के जरिए डिलिमिटेशन होगा, वह सारा खत्म हो जाएगा। नये एसोसिएट मेम्बर्स बनेंगे और नये तरीके से सारा प्रोसेस शुरू हो जाएगा। इसलिए यह अहम् सवाल है कि डिलिमिटेशन का प्रोसेस कब तक पूरा होगा । अगर अगली लोक सभा में होना है तो इसकी बहुत ज्यादा अहमियत नहीं रह जाती है। नई लोक सभा होगी, नये एसोसिएट मेम्बर्स होंगे, फिर नया डिलिमिटेशन होगा, हर तरीके से नयी बात होगी। इस मामले में मुझे इतना ही कहना है, लेकिन जो आपने डिलिमिटेशन का तरीका बनाया है, आज कल बहुत सी कांस्टीट्यूएंसीस हैं, मेरी अपनी कांस्टीट्यूएंसी तीन जिलों के अंदर है - आधी कांस्टीट्यूएंसी एक जिले में है, दो कांस्टीट्यूएंसी दूसरे जिले में हैं और ढाई कांस्टीट्यूएंसी तीसरे जिले में है। इस प्रोबलम से कैसे आप छुटकारा पाएंगे।

महोदय, मैं बहुत सारे एमपीज़ को जानता हूं, जिनकी कांस्टीट्यूएंसी में इस तरीके से एडमिनिस्ट्रेशन का बड़ा भारी प्रोबलम हो जाता है। तीन-तीन डीएम और एसपी से हमेशा टच में रहना पड़ता है, इसलिए इसकी भी वज़ाहत होनी चाहिए, कोशिश करनी चाहिए। कांस्टीट्यूएंसीस जितनी एक डिस्ट्रिक्ट के अंदर हो सके, अगर एक में न हो सके तो ज्यादा से ज्यादा दो में होनी चाहिए, इससे ज्यादा इस बात की इजाजत नहीं देनी चाहिए। अरूण जी, उत्तर प्रदेश में उत्तरांचल बनने के बाद 403 सीटें हैं और उत्तर प्रदेश में एक पार्लियामेंट की सीट पांच असेम्बली सीटों को मिला कर बनी है। अब जो बाकी तीन सीटें रह जाती हैं, उनका आप क्या करेंगे। उन्हें किस के साथ जोड़ेंगे, किसी के साथ घटाएंगे। आप डिलिमिटेशन चाहे अभी करें या अगली बार करें, इन तीन असेम्बलीस को आप किस के साथ जोड़ेंगे। आप एक तरफ कह रहे हैं कि एक असेम्बली सिगमेंट्स के अंदर ढाई लाख से ज्यादा वोटर्स नहीं होंगे, कांस्टीट्यूएंसीस को बराबर करेंगे। अगर पूरे तीन कांस्टीट्यूएंसीस के प्रतिनिधि होंगे तो उन्हें किस पार्लियामेंट में जोडेंगे जिसके

साथ जोड़ेंगे, उससे पार्लियामेंट के वोटर्स की तादाद बढ़ जाएगी तो इस समस्या का समाधान कैसे करेंगे। मुझे नजर नहीं आता कि इस समस्या को आप हल कर सकते हैं। 403 को आप घटा नहीं सकते, पार्लियामेंट को आप बढ़ा नहीं सकते। अभी वूमेन बिल पर चर्चा नहों हुई है, लेकिन वह जब भी आए, उसका रिजर्वेशन 15 प्र ातिशत या 20 प्रतिशत हो या एक कांस्टीट्यूएंसी में दो-दो एमपी बन कर आएं, जैसे कि बहुत से लोगों ने बात रखी है कि एक-एक कांस्टीट्यूएंकी से एक महिला और एक आदमी चुन कर आ जाए, ऐसी स्थिति में आपको दोबारा से यह करना पड़ेगा। अगर ये सारी बातें सरकार नजर में रख कर तय कर ले और मेरा मशविरा यह है कि पूरा हिन्दुस्तान एक पार्लियामेंट की कांस्टीट्यूएंसी, एक डिस्ट्रिक्ट में होनी चाहिए। इसमें यह आदेश जारी कीजिए कि डिस्ट्रिक्ट इस तरीके से डिलिमिट कर दी जाए, कांस्टीट्यूएंसी को डिलिमिट न करके डिस्ट्रिक्ट को डिलिमिट कर दिया जाए और हर डिस्ट्रिक्ट का एक एमपी हो जाए।

17.00 hrs.

पिछला डीलिमिटेशन जनरल आधार पर हुआ था, जाति बिरादरी के आधार पर हुआ था। बहुत सी कांस्टीट्वेंसीज ऐसी हैं कि असेम्बली सैगमेंट एक कोने से लेकर 5-5 किलोमीटर तक चला गया है, इसलिए कि मैं असरदार आदमी हूं, कांस्टीट्वेंसी बना सकता हूं तो मेरी अपनी बिरादरी जिस कोने तक जाती है, उस कोने तक के एरिया को मेरी कांस्टीट्वेंसी में शामिल कर लिया जाये ताकि मुझे जीतने में आराम हो जाये, इसका भी आपको इन्तजाम करना चाहिए कि जाति बिरादरी की बुनियाद

पर नहीं होना चाहिए और वोटर की फैसिलिटी की बुनियाद पर होना चाहिए कि वोटर कैसे वोट डाल सकता है, यही मुझे कहना है।

मुझे आशा है कि सरकार इन बातों पर तवज्जह देगी।

श्री सुरेश रामराव जाधव (परभनी) : उपाध्यक्ष जी, कानून मंत्री ने 96वां कांस्टीट्यूशन एमेंडमेंट बिल जो लाया है, मैं अपनी और अपनी पार्टी की ओर से उसका पुरजोर समर्थन करता हूं।

जो क्षेत्र का डीलिमिटेशन, परिसीमन होने वाला है, इसका जनगणना का आधार 1991 रखा गया है। मेरी समझ में नहीं आता कि अगर डीलिमिटेशन करना ही है, क्षेत्र का परिसीमन करना ही है तो 1991 की सेंसस के बेसिस पर करने से कोई फायदा होने वाला नहीं है, क्योंकि 1991 और 2001 की जो पोपुलेशन है, जो वोटर्स हैं, उनकी आबादी दस साल में बहुत बढ़ चुकी है। अगर हमने 1991 के बेसिस पर डीलिमिटेशन कर दिया, क्षेत्र का परिसीमन कर दिया तो पोपुलेशन का असंतुलन हो जायेगा, वोटर्स का असंतुलन हो जायेगा और हमारे उद्देश्य में हम सफल नहीं हो पाएंगे। इसके लिए मैं आपके माध्यम से कानून मंत्री जी से रिक्वैस्ट करूंगा कि 2001 की सेंसस रेडी है, खाली सरकारी आंकड़े हमारे पास नहीं हैं। 2004 में जो लोक सभा के चुनाव होने वाले हैं, अच्छा होगा कि वे 2001 की जनगणना के आधार हों। डीलिमिटेशन अगर 2004 के पहले होगा तो उससे फायदा होगा और आसानी होगी।

दूसरे अभी राशिद अलवी साहब ने कहा है कि क्षेत्र का परिसीमन कब तक होने वाला है, इसकी प्रक्रिया कब तक चलने वाली है, यह भी हमारे सामने सवाल है। हिन्दुस्तान में ऐसे भी क्षेत्र हैं, उदाहरण के लिए हमारा दमन दीव का क्षेत्र है, हमारे साथी ने कहा कि वहां एक लाख वोटर्स हैं, अभी उपाध्यक्ष जी, 40-42 हजार वोटर्स हैं। अगर मेरे क्षेत्र का उदाहरण लें तो 12-13 लाख वोटर्स हैं और महाराट्र में ऐसे क्षेत्र हैं, जैसे ठाणे में 28-29 लाख वोटर्स हैं, उसका भूभाग भी बहुत बड़ा है, इसके संतुलन के लिए, पोपुलेशन के संतुलन के लिए और वोटर्स के क्षेत्र के संतुलन के लिए डीलिमिटेशन जरूरी है। इसमें मेरा इतना ही सुझाव है कि डीलिमिटेशन करना है तो 2001 की सेंसस को आधार बनाकर करना चाहिए, तब तो उसका फायदा होगा, अगर 1991 की सेंसस को आधार बनाकर होगा तो यह बेमतलब का काम होगा और इसका कोई फायदा नहीं होगा।

जो एमेंडमेंट आर्टीकल 81, 82 और आर्टीकल 117 और 330 का संशोधन होने वाला है, उसमें 1991 की जगह 2001 आने वाला है। इसके ऊपर मैं ज्यादा बात नहीं करूंगा, मेरा इतना ही सुझाव है कि हमारी पोपुलेशन के हिसाब से संतुलन, क्षेत्र के हिसाब से संतुलन रखना चाहिए और 2001 की जनगणना को आधार बनाकर डीलिमिटेशन होगा तो अच्छा होगा, नहीं तो उसका फायदा नहीं होगा। हमारा आपके माध्यम से सुझाव है कि 2001 की जनगणना को आधार बनाकर डीलिमिटेशन करना चाहिए।

आपने बोलने का मौका दिया, उसके लिए धन्यवाद।

SHRI K. MALAISAMY (RAMANATHAPURAM): Thank you, Mr. Chairman.

At the outset, I am very much inclined to support this Bill, subject to the observation that it is long overdue and that it should have come long ago. I am convinced to the maxim that 'it is better late than never'.

It is true that the Delimitation Act has been enacted as early as on 12.7.2002. The entire process, based on the 1991 census, had started; they had gone a long way by putting a lot of efforts and doing a lot of paper work, But after meeting the political leaders, on 13.3. 2003, i.e. after eight months of the initiation of the process, you want to revise it, and go back to the 2001 census. What I am trying to ask you is this. Could you not envisage all these things a little bit earlier? The Commission has done a lot of work for eight months; they had done their job to a great extent; now all these things have gone waste, in the sense that you want to re-start the whole process based on the 2001 census.

From the Act, I am able to see that the object is to re-adjust the number of seats or the number of territorial constituencies without altering or without changing the total number of Assembly or Parliamentary constituencies. That is good. It envisages re-adjustment on the one side and on the other, re-fixing the reserved seats of Scheduled Castes, Scheduled Tribes. You want to do it on the basis of 2001 census. Whether it is 1991 census or 2001 census, the population is going to be taken as the major criteria.

It has also been said that the entire task of this process would be completed in two years. That means, it would be over by 12.7.2004. Will it be done ? From the guidelines I am able to see that the constituencies would be re-adjusted based on some administrative unit, whether you are taking village or *tehsil* or *taluk* or the district, as the basis, in general, when the constituencies are being divided. It has also been said that the distribution will be done district wise. Total population of the State will be divided by the number of seats to get the average population of a constitutency .In the case of Tamil Nadu, the total population is divided by 234 Assembly seats; to get the average population of each constituency. But on ground each constituency may vary in population either excess or less than the average population arrrived at. Coming to the problem, it would be difficult to carve out a portion with excess population and attach with a portion with less population when they are far off from each other. This is a practical problem. What guidelines have been given to the Commission? If the Commission wishes to readjust a particular portion say 10,000 population which is in excess, has to be shifted, it will be easier to shift this population to a nearby constituency. What will happen if it has to shift the population from one area to another far off area 300 kms away? How will this shift be effected? Have you given any discretionary powers to the Commission? I am told that 10 per cent variation is permissible. If the variation is more than 10 per cent , what are you going to do? I would like to know whether this 10 per cent could be exceeded to 15 or 20 per cent, So, my first point is, how are you going to adjust or readjust when the population is in excess.

MR. CHAIRMAN : Please conclude.

SHRI K. MALAISAMY : Sir, you are my neighbour. You have been so considerate when you are sitting here but you totally change as soon as you sit in the Chair. I have got only three points and I have already covered one point. Two more points have remained.

My next point is with regard to re-fixing of the reserved seats for Scheduled Caste and Scheduled Tribe. What is going to be the basis for it? Take the case of Tamil Nadu. If you go by 1971 census, the total number of Scheduled Caste and Scheduled Tribe seats is 42. Going by 1991 census this number could be 45. If you go by 2001 census, this number may have gone up to 47. What is the basis on which reservation of a particular seat can be done? Suppose, in a district 60 per cent of the population is Scheduled Caste and in other district only 15 per cent of the population is Scheduled Caste. Are you going to reserve a seat district-wise or the State as a whole? Even if there is only 15 per cent of the Scheduled Caste population in a district, would you prefer on account of district wise allocation? . What is the yardstick which you are following in this regard?

The other point is with regard to the rotation of constituencies. There has been a hue and cry that rotation of seats among SC/ST has not been resorted to for long. A particular constituency has been reserved for the last 20 years which in local bodies we are rotating it every five years. Why rotation of seats for SC/ST has been neglected totally? It is not in the interest of either the Scheduled Castes or others. In the larger interest of everybody, rotation of seats should be strictly followed.

With regard to the timeframe, I insist that the Law Minister should be kind enough to commit a certain period,before which the delimitation process would be over and would be put into implementation. I would like to have a specific timeframe, taking into consideration all your compulsions or constraints, for process to be over and for its implementation.

DR. MANDA JAGANNATH (NAGAR KURNOOL): Thank you very much for giving me this opportunity to speak. On behalf of my Party and on my own behalf, I welcome the Bill and support it with certain clarifications and suggestions.

Delimitation of the constituencies after every census stipulates the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine.

It is very sad that for the past 30 years, the de-limitation and re-adjustment have not been done as per the Constitution. It is a very clear violation of the constitutional provisions. Had it been done, it would have given more number of seats in Assemblies as well as in Parliament to the Scheduled Caste and Scheduled Tribe population. When the Constitution (Amendment) Bill was brought in on 12th February, 2002, we were very happy to note that the de-limitation of constituencies would give 13 seats of Members of Parliament and nearly 49, MLA seats in seven to eight States of India. When the Act was brought in, all the political parties supported it. But it was very strange to see that the action paper was released on the basis of 1991 Census. Naturally, everybody got paniky and wanted to go for 2001 Census. This has created apprehensions in the minds of Scheduled Caste and Scheduled Tribe population across the country. Many hon. Members are under the impression that as it has been not done for the past 30 years, they have been negated their rightful seats. They feel that it is nothing but negation of rightful seats to Scheduled Caste and Scheduled Tribe communities. It is because as per the information we have, the Census of 2001 is not officially ready. It is not possible to complete the de-limitation work on the basis of 2001 Census and to be able to implement it for the General Elections of 2004. It is being done deliberately as has been done for all the 30 years.

Sir, I respect the hon. Minister. He had given an assurance that though the official figures are not available, the de-limitation work will be done as per its provisional figures. I feel it is the responsibility of the Government to allay the fears which are there in the minds of the Scheduled Caste and Scheduled Tribe population. For the 2004 elections, a wrong message would go to the entire world that wilfully the provisions meant for the benefit of Scheduled Castes and Scheduled Tribes are being violated.

Sir, if it could not done, I have a suggestion to make. We have got the existing Constituencies and we have frozen the number of constituencies up to 2026. I would like to make a suggestion that on the basis of the highest population in each Assembly segment of Parliamentary Constituency, the reservation could be done. Finally, I would like to make two-three suggestions. The de-limitation work should be taken up on the basis of 2001 Census and it should be implemented in the General Elections of 2004 or whichever election comes earlier. The second suggestion is that if it is not possible to reserve Parliament or Assembly seats for the Scheduled Castes and Scheduled Tribes as per 2001 Census by delimitation those constituencies should be reserved where the population of Scheduled Castes and Scheduled Tribes are the highest . Keeping the existing boundaries as it is it could be done without delimitation. My third point is that in future, the delimitation should invariably be done immediately after every Census as per the constitutional provisions. Otherwise, it will send a wrong message to the people. If it is continued, the weaker sections of the society would feel that they are not being given their rightful

place in the society.

Sir, many hon. Members have said that there should be rotation for two-three times. If delimitation is done after every Census, it would itself take care of rotation. This is my suggestion.

SHRI K.A. SANGTAM (NAGALAND): Sir, on 21st August, 2001, I had taken part in the discussion on the Constitution (Ninety-first Amendment) Bill, 2000. Again, I am participating in the discussion on the Constitution (Ninety-sixth Amendment) Bill, 2003, and I will support it. However, I would like to make a mention that immediately after passing the Constitution (Ninety-first Amendment) Bill, the Delimitation Commission was constituted. But before having consulatation with the associate members, the officers of the Delimitation Commission went to Nagaland and they tried to work out certain modalities.

While working on the modalities, they simply went and stuck to the numbers. There are 16 tribes in the State of Nagaland. I would like to draw the attention of the hon. Minister for Law to this fact. Now, whatever deliberation that took place got leaked and because they went by numbers, there was a huge problem. There were *bandhs* called and there was also a lot of public outrage for not taking the sentiments of the people. They did not agree to the proposal made by the local officer. It was because they felt that numbers could not have been the criterion for deciding it. Numbers cannot be the criterion for deciding on an assembly regment because in some places there is a lot of floating population. People from States like Uttar Pradesh, Bihar come there to work and once they finish their work, after a certain period, they go back. But if numbers become the criterion, then they also are counted for this purpose. Therefore, if one goes purely by numbers, then the indigenous population is left out. Besides, the people who belong to one community were put in another constituency. It did not suit them. In order to elect their own representative, they should be from their own community. This kind of a situation should not arise in future. The Commission should carefully consider this aspect while delimiting the constituencies. They should also take into account the various rivers and streams that divide one region from another region thereby dividing the different tribes. If the Commission adheres to these norms, then the problems could be resolved. Now whatever delimitation the Commission − tried to do exercise before the appointment of the associate Members -- on delimitation during this period the modelity worked out by it has caused a lot of damage. The affairs of the State were almost brought to a grinding halt. There were no movement of vehicles, a lot of property was burnt and even the vehicle of a Minister also was burnt down since the public were agitated on their whimsical exercise. I think, the Law Ministry should take care of this. Delimitation should be done by the build up of the various areas of the tribals and communities.

Sir, secondly, in the process of delimitation, the seats that have been taken into consideration should not consider the major portion of the floating population where the general people live does not belong to the indigenous community. It should go purely by the population of the tribal areas.

Sir, another point that I would like to mention here is that the State of Nagaland was formed in the year 1961. The Naga People's Convention, which was the main body that wanted to come to the mainstream, had struck a deal with the Ministry of External Affairs. They demanded for two parliamentary seats in the Lok Sabha. But since the population of the State was a mere 3.5 lakhs then, they were asked to be contend with one seat and that at a later stage it could be increased to two seats. Since 1961 to 2001, the population of the State has gone up to more than two millions. Therefore, I would like to request the Government of India to increase one more seat, thereby making it two seats for Lok Sabha and also give two seats for Rajya Sabha. Besides that, there are two other States in the North-East, namely Mizoram and Sikkim that have one Lok Sabha seat each should be increased to two seats.

Sir, the State of Nagaland has 16 tribes spread over eight districts. The State may have ten districts by August 15th this year. The State has sixty Assembly seats which would, by August 15th, be spread over ten districts. This is a colossal job for one MP to manage. Therefore, I would like to urge upon the Government to increase the Lok Sabha seat from one to two. The Dimapur − I constituency alone has 19 per cent of Scheduled Tribes population.

Dimapur Assembly Constituency- I is an open seat; but the remaining 59 seats are Scheduled Tribe constituencies. Today, I am representing the State of Nagaland where 90 per cent of the population belong to the Scheduled Tribes. But this is an open seat. Therefore, I would request the Government of India to reconsider it and declare this Nagaland Parliamentary seat as a Scheduled Tribe seat.

सभापति महोदय : श्री पी.आर. किन्डिया जी की स्पीच सभापटल पर रखी मानी जाएगी।

*SHRI P.R. KYNDIAH (SHILLONG) : I welcome the consideration of the Constitution 96th Amendment Bill as the main thrust of the Bill is to rationalize the readjustment of Constituencies both for the House of the People and the Legislative Assemblies on the basis of the 2001 Census figures and not on the outdated figures of 1991 census.

The Bill will ensure that the seats reserved for Scheduled Castes and Scheduled Tribes will be commensurate with the rising trend of their population. The consideration also provides an opportunity to this House to share ideas on the experiences of those members who had the opportunity to attend the meetings of the Delimitation Commission with the associate members. I had the opportunity to do so on the 29th November, 2002.

While it is admitted that the main consideration for delimitation of Constituencies is on the basis of population figures, it is my view and I believe many members would also share with me that we should not lose sight of the other criteria, which are equally important in the delimitation of Constituencies.

I represent a Constituency in the North East Region, which is 1-Shillong Constituency in Meghalaya. We have two Lok Sabha Constituencies in our State and 60 Assembly Constituencies. One of the criteria that requires utmost consideration is the physical features − the topography and the mountainous terrain of the State. For instance villages at the hilltop look so close from each other but in reality they are so far off as there is no line of communication. There are deep gorges between the hills, therefore, one cannot place the two villages in the same constituency. The facility of communication is, therefore an important criteria that must be taken into consideration. The other criteria is the boundaries of administrative units and for us in Meghalaya and I also believe in other hill States in the North East, there is need to take care of the traditional administrative unit which exists since long. People have deep attachment to these units (Elleka).

Another criteria, which I would like to share with you based on my experience in the Delimitation Commission, is that re-delimitation must recognize the basic structure of a Constituency. The Constituency can be altered marginally or wherever necessary but it must not be equated with overhauling the Constituency to bring about a change in the structure of the Constituency beyond recognition.

I would also like to place on record that de-limitation of Constituency must not mean abolition of an existing Constituency. For instance, in the working paper that was presented to me by the Delimitation Commission one existing Assembly Constituency, namely, 27- Lyngkyrdem was completely wiped out. I feel that this is not right or proper.

Generally, the Assembly Constituencies so delimited are expected to be confined to the boundaries of the administrative District but in areas as prevailing in the Hill States of the North East Region the administrative traditional boundaries are equally important to maintain and bear in mind, people attach importance till today.

The other criteria which is of vital importance to us in Meghalaya, particularly is the need to maintain the Lok Sabha Constituencies on the basis of the Autonomous District Councils which form part of the 6th Schedule to the Constitution adopted and enacted on 26th November, 1949.

I will take the indulgence of the House by mentioning the historical background of the 1-Shillong Constituency comprising Khasi and Jaintia Hills. Before Independence of India, to be precise in December 1945, Pt. Jawaharlal Nehru visited Shillong as a guest of Rev. J.J.M. Nichols Roy, an outstanding Congress leader of the North East area, who later became the member of the Constituent Assembly. Pt. Nehru stayed in the locality in which I lived, I was then a young Congress volunteer. Those were crucial years for the political future of the people of the Khasi and Jaintia Hills, to which I belong. We were on the eve of making choice as to what political option best suited for us. I may mention that a large part of these hills comprised of semi-independent States, which the British administration rarely interfered in their local administration. It was a kind of a token control that they discharged.

There were four political options open to our people at that time. Firstly, to be in India. Secondly, to be in Pakistan. Thirdly, the British Protectorate, and lastly Independence. There were debates among the people as to which option was most suitable. That was why the talks that Pt. Jawaharlal Nehru had with our leaders were not only crucial but having far reaching consequences for the future of our people. Pt. Nehru gave a commitment to our people that although we were a small tribal, our identity and culture will be maintained and promoted in an independent India. Economically there were discussions that it would be better to join with Pakistan as trade and commerce would flourish, being a part of the regional economy. The Muslim League was aggressively campaigning for the Khasi Jaintia Hills and other hill areas to join Pakistan. But we realized that Pakistan would be a theocratic State and that freedom of worship would be curtailed. Eventually the leadership of our people decided to opt for India. In the words of Rev. J.J.M. Nichols Roy, he said, "Our aspiration is with India."

From this historical background, one must realize that we cannot dilute the identity of the people of the Khasi and Jaintia Hills. The creation of the Autonomous District Council for the people of Khasi and Jaintia Hills was an outcome of this background and, therefore, we cannot and must not tamper with this fact, which is recognized by the Constitution of India. I am informing the House of these facts of history in order to appreciate the sentiments of the people of my Constituency.

The working paper of the Delimitation Commission mixed up the two Lok Sabha Constituencies, that is 1-Shillong and 2-Tura, which goes against the fact of history and the interest of our people. I may mention that 2-Tura Constituency comprises the autonomous District Councils of the Garo Hills. The people are against any move to mix up the two Constituencies. In fact, I expressed this view to the Delimitation Commission. The working paper reveals that the entire West Khasi Hills District including one constituency from East Khasi Hills were sliced off from Shillong Constituency and tagged with Tura Constituency. I am totally against this move.

When the people knew about this proposal there was an outburst of agitation in my Constituency. Ironically, the militant outfit based in Garo Hills was jubilant since it was demanding for greater Garo land, which would comprise portions of the plains of Assam and of Khasi Hills. It is very clear that there is need to this criteria, that is, to maintain the basic structure of a constituency.

In fact, Dr. Ambedkar himself asserted, "I do no think that it is right that a part of the people who are homogenous in certain matters should be served in this manner." He was in total agreement with Rev. Nichol Roy about maintaining unity of Khasi Jaintia people.

My well-considered view is that apart from maintaining the basic structure of a constituency, we must be guided by what Dr. Ambedkar said which in effect means to maintain the homogenous character of the people.

*Speech was laid on the Table.

प्रो. रासा सिंह रावत (अजमेर) : माननीय सभापति जी, मैं संविधान 96वां, संशोधन विधेयक 2003 का पुरजोर समर्थन करता हूं। जैसे कि हम सभी भली प्रकार से अवगत हैं कि संविधान में 84वें संशोधन अधिनियम 2001, जो अधिनियमित हो गया, उसके बाद परिसीमन आयोग का गठन हुआ था। राज्यों का परिसीमन, चाहे लोक सभा या राज्य सभा की सीटें हों, उनके सुव्यवस्थितकरण और आबादी के असंतुलन तथा सब प्रकार की विसंगतीकरण को दूर करने के लिए परिसीमन आयोग का गठन किया गया था। वैसे तो इस समय यह मंशा थी कि 1991 की आबादी रहे ताकि हिमाचल प्रदेश के चुनाव के पहले हिमाचल का परिसीमन हो जाए। मध्य प्रदेश, छत्तीसगढ़ और दिल्ली, जिन राज्यों का चुनाव अक्तूबर, नवम्बर में होने वाला है, उनसे पहले इन राज्यों का भी परिसीमन हो जाए ताकि विधान सभा की सीटें इस नये परिसीमन के अनुसार ही सारी प्रक्रिया और लोक सभा की भी हो। मैं समझता हूं कि एनडीए की सरकार को बहुत बधाई दी जानी चाहिए। ये सरकार जो भी निर्णय लेती है, सर्वानुमति के आधार पर लेती है। सब की सहमति प्राप्त करके ये सरकार चलती है। हालांकि पहले 1991 की सहमति प्रदान की थी, लेकिन बाद में कुछ लोगों की अपनी सीटें खतरे में जाने लगीं तो उन लोगों ने फिर दूसरा बवंडर खड़ा किया कि हमसे पूछा नहीं जा रहा है। यहां मुंशी जी बैठे हुए हैं, मैं उन्हें बताना चाहता हूं कि राजस्थान का परिसीमन का कार्य लगभग पूरा हो चुका है और दूसरा चरण भी उसका पूरा हो गया था। हालांकि उसमें कुछ आपत्तियां थीं, जिनका निराकरण होने जा रहा था। मध्य प्रदेश, छत्तीसगढ़ और दिल्ली का भी चल रहा था, क्योंकि कुछ बड़े लोगों की सीटें थोड़ी खतरे में पड़ रही थीं और कुछ समस्या पैदा हो रही थी, जिसके कारण ये घुमा-फिरा कर 1991 वाला जो निर्णय था उसे 2001 पर लाया गया और इसे आधार मान लिया, बहुत अच्छी बात है।

महोदय, सरकार को बधाई दी जानी चाहिए कि इस सरकार ने सभी दलों की सहमति प्राप्त करके, सर्वदलीय बैठक बुला कर, सब की जो राय थी - "पंचों की राय सिर माथे," वाला काम किया। उसके अनुसार परिसीमन आयोग को कहा। तब लगभग एक करोड़ 25 लाख रुपए परिसीमन आयोग का, जो सारी प्रक्रिया तय करने, ड्राफटिंग बनाने, पहले रफ ड्राफटिंग और फिर मीटिंगें करने में और दूसरा ड्राफटिंग बनाने में, फिर फाइनलाइज़ करने में सारी चीजें हो चुकी थीं, लेकिन जब दोबारा 2001 का माना गया तो पहले वाला सारा मामला चला गया, अब फिर सारा मामला नये सिरे से प्रारम्भ हो रहा है।

महोदय, मैं आपके माध्यम से सरकार से दो-तीन बातों का स्पटीकरण चाहूंगा। पहला यह कि 2001 की जनगणना के आंकडों का प्रकाशन आफिशियली और अधिनियमित कब तक हो जाएगा। क्या परिसीमन आयोग की सीमा-रेखा निश्चित की जाएगी कि जिन राज्यों में विधानसभा के चुनाव होने वले हैं, उससे पहले परिसीमन हो जाएगा या उसके बाद में होगा या उन पर लागू ही नहीं होगा। लोगों के गर्दन पर तलवार लटकी हुई है। कुछ का कहना है आंकड़े बिलकुल तैयार हैं, केवल अधिसूचना जारी होनी है। अगर परिसीमन आयोग जून तक ये काम कर लेगा तो क्या उन पर यह नया परिसीमन आयोग, 2001 वाला लागू होगा, इस बारे में मंत्री जी जब उत्तर दें तो स्पट रूप से बताएं ताकि राजस्थान, मध्य प्रदेश, छत्तीसगढ़ और दिल्ली में जहां चुनाव होने वाले हैं वहां के विधानसभा के जो उम्मीदवार बनने वाले हैं उन पर प्रतिकूल प्रभाव न पड़े। 1991 वाले में भी यह तय किया गया था कि 15 अगस्त, 2001 की एडमिनिस्ट्रेटिव युनिट्स मूल आधार होगी, मतलब 15 अगस्त, 2001 तक जो पंचायत, तहसील या ताल्लुका बन चुकी है, उसे आधार माना जाएगा।

उसे आधार माना जायेगा तो अब कुछ स्थानों पर कुछ नई तहसीलें बननी हैं, कुछ राज्यों में कुछ नये जिले बनने हैं। ऐसी स्थिति में एडमिनिस्ट्रेशन यूनिट्स की अन्तिम तारीख कौन सी रहेगी? अगर 2001 वाली जनगणना आधार होगी तो यह परिसीमन कब से लागू होगा और क्या जो निकट भविय में चुनाव होने वाले हैं, इन विधानसभा के चुनावों पर भी लागू होगा क्या? उसके अगले वर्ा लोक सभा के चुनाव होने वाले हैं, क्या हम लोग भी उसके लपेटे में आयेंगे? फिर हमारे सामने समस्या होगी कि जिन लोगों की सेवा हम अब तक करते रहे, माननीय सभापति महोदय, आपका जो निर्वाचन क्षेत्र रहा है, अब तक आप एम.पी.लेड. के माध्यम से या वहां पर लड़ाई करके, संर्घा करके विभिन्न केन्द्रीय योजनाओं या राज्य सरकार की योजनाओं के माध्यम से विकास का जो कार्य करते रहे, जनता की आकांक्षाओं को पूरा करने का आपने जो प्रयास किया है, उनकी आकांक्षाएं जहां आपने पूरी कीं, उसके स्थान पर अगर नया लोक सभा का क्षेत्र आपके और हमारे सामने आ जायेगा तो फिर हमारे सामने समस्या खड़ी हो जायेगी। हमें इस बारे में निश्चिंत किया जाना चाहिए कि अगले वर्ा अगली लोक सभा का जो चुनाव होने जा रहा है, उसमें परिसीमन चुनाव के बाद ही लागू होगा, उसके पहले नहीं होगा।

दूसरी एक और असंगति पैदा हुई है। राजस्थान के अन्दर जब यह परिसीमन का सारा खाका अभी सामने आ गया तो हमने देखा कि दक्षिणी राजस्थान में सारी एस.टी. की सीटें, आदिवासी क्षेत्र की सीटें दे दी गई हैं कि आगे जाकर कोई पृथक भीलिस्तान या आदिवासी स्थान की मांग उठ सकती थी। सारा उदयपुर, माननीय गिरिजा व्यास जी का जो क्षेत्र था, जो सामान्य सीट थी, वह भी एस.टी. की, चित्तौड़ की भी एस.टी. की और बांसवाड़ा तो पहले से ही एस.टी. की सीट है तो सारा दक्षिणी राजस्थान एस.टी. में आ गया। ऐसे ही उत्तर के अन्दर बीकानेर जनरल सीट थी, लेकिन वह एस.टी. की बन गई। गंगानगर पहले से ही एस.सी. की थी और सलुम्बर पहले ही एस.टी. की थी तो दक्षिण का सारा आदिवासी क्षेत्र बन गया है, उत्तर का एस.सी. का बन गया और बीच में कुछ नहीं, सारा असंतुलन हो गया। राजस्थान में दो बड़ी आदिवासी जातियां हैं, मीणा ट्राइब और भील ट्राइब। भील ट्राइब तो दक्षिणी राजस्थान में और मीणा ट्राइब मध्य राजस्थान में रहती है। परिणाम यह हुआ कि मध्य राजस्थान में एक भी एस.टी. की सीट नहीं रही तो बड़ा असंतुलन पैदा हो गया था। मैं समझता हूं कि आगे आने वाले समय में जब 2001 की आबादी को मानें तो एडमिनिस्ट्रेटिव नीड्स कौन सी तारीख तक की मानी जाएंगी और कब से यह लागू होगा। हम और आप, लोक सभा वाले भी और अभी जो निकट भविय में विधान सभा वाले भी इससे मुक्त रहेंगे या नहीं? इस प्रकार का असंतुलन पैदा नहीं होना चाहिए।

परिसीमन आयोग को सशक्त बनाया जाये। इस समय परिसीमन आयोग के पास सारे निर्वाचन आयोग के बाबू और अधिकारी हैं। निर्वाचन आयोग निर्वाचन का काम करेगा और परिसीमन आयोग परिसीमन का काम करेगा, परिणामस्वरूप वहां भी स्टाफ का अभाव है, साधनों का अभाव है। मैं आपके माध्यम से कहना चाहूंगा कि परिसीमन आयोग को भी थोड़ा सशक्तीकरण और सुदृढ़ता प्रदान की जाये।

श्री चन्द्रनाथ सिंह (मछलीशहर) : सभापति महोदय, मैं आपके माध्यम से सरकार से 96वें संविधान संशोधन विधेयक के सम्बन्ध में स्पटीकरण मांगना चाहता हूं और कुछ बात बताना चाहता हूं।

सरकार परिसीमन के मामले में बिल्कुल सीरियस नहीं है, किसी भी काम के लिए सीरियस नहीं है। सरकार की कुछ सोच भी नहीं है। इस विधेयक को अब लाया जा रहा है, जबकि इसे दो वर्ा पहले लाया जाना चाहिए था। बहुत विलम्ब से परिसीमन आयोग का गठन 12.7.2002 को किया गया। अगर इसका गठन पहले कर दिया गया होता तो शायद आगामी लोक सभा चुनाव में परिसीमन तय हो जाया। इस समय विधि मंत्री जी भी सदन में मौजूद नहीं हैं कि हमारे सुझाव सुनें। चलिये, कोई मंत्री तो हैं। जवाब तो केबिनेट मंत्री ही देंगे। बहरहाल मैं कह देना चाहता हूं कि 1952 से ऐसी बहुत सी सीटें उत्तर प्रदेश में एस.सी. एस.टी. के लिए रिजर्व थीं। 1952 से लेकर 2003 तक वे सारी की सारी सीटें उसी तरह से रिजर्व हैं, उनमें कोई परिवर्तन नहीं हुआ। हमारे ही क्षेत्र में, हमारे ही जिले में बिहार विधान सभा क्षेत्र है, जो 1952 से आज तक आरक्षित है, जबकि पट्टी विधान सभा क्षेत्र में अनुसूचित जातियों के लोगों की संख्या जो जिले के आंकड़े मौजूद हैं।

अनुसूचित जाति की संख्या पट्टी विधान सभा क्षेत्र में ज्यादा है लेकिन बिहार विधान सभा क्षेत्र को रिजर्व कर दिया गया है। अब यह बिल लाया जा रहा है और यह पास भी हो जायेगा। इसका कार्यकाल दो साल अनुमानित किया गया है यानी दो वर्ा में यह अपनी रिपोर्ट पूरी कर देंगे। यह बिल 2003 में पास हो रहा है और इसका दो साल का समय है यानी 2005 में इसकी रिपोर्ट आयेगी। मैं सरकार से पूछना चाहता हूं कि आगामी लोक सभा चुनाव में परिसीमन होगा या नहीं ?

बहुत से संसदीय क्षेत्र ऐसे हैं, विधान सभा क्षेत्र ऐसे हैं जहां आबादी बहुत बढ़ गयी है और बहुत से क्षेत्र ऐसे भी हैं जिनकी आबादी बढ़ी नहीं है। मैं जानना चाहता हूं कि प्रदेश स्तर पर, जिला स्तर पर इसकी क्या इकाई रखी जायेगी ? हमारे संसदीय क्षेत्र में बहुत से ब्लाक ऐसे हैं जो कि तीन-तीन संसदीय क्षेत्रों में हैं। उसके कुछ गांव हमारे संसदीय क्षेत्र में हैं, कुछ जौनपुर क्षेत्र में हैं और कुछ सैदपुर क्षेत्र में हैं। एक ऐसा साजन ब्लाक है जो कि तीन संसदीय क्षेत्र में एक ब्लाक है। इसमें डेवलपमैंट करने तथा क्षेत्र के अन्य कार्यों को करने के लिए हमें बड़ी दिक्कत होती है। यह जो गड़बड़ है, उसमें सुधार करने के लिए सरकार क्या कर रही है ? यह कांस्टीटूएंसी भौगोलिक दृटि से बनायी जायेगी या प्रशासनिक दृटि से बनायी जायेगी, यह भी आप स्पट करें।

इसके साथ-साथ आरक्षण की जो व्यवस्था की गयी है, उसमें एक ही सीट हमेशा के लिए रिजर्व रहेगी। मेरा कहना है कि इतने वर्ा से अगर उसमें परिवर्तन नहीं लाया जा रहा है तो इससे उस क्षेत्र में जहां एस.सी / एस.टी. की जनसंख्या कम है और जहां ज्यादा है वहां होनी चाहिए। इसमें परिवर्तन लाया जाना चाहिए। इसकी इकाई क्या निर्धारित की जायेगी, यह भी मैं सरकार से जानना चाहता हूं।

इसके साथ-साथ जो जनगणना होती है, उसमें भी बहुत गड़बड़ होती है। मैं कहना चाहता हूं कि उसमें बहुत गड़बड़ है क्योंकि जनगणना के काम में प्राइमरी स्कूल की टीचर को लिया जाता है। प्रदेश में आज किसी विद्यालय में एक टीचर है तो किसी विद्यालय में दो टीचर हैं। उन बेचारों के ऊपर डी.एम. डंडा लेकर खड़ा हो जाता है कि तुम जनगणना करो। बच्चे स्कूलों में ऐसे ही बैठकर घर चले जाते हैं। उनको स्कूल में कोई पढ़ाने वाला नहीं है क्योंकि अध्यापक तो जनगणना में लगे होते हैं। इसके साथ-साथ जनगणना के आंकड़े भी सही नहीं होते क्योंकि उन लोगों के पास इतने साधन नहीं होते, इतना समय नहीं होता है कि वह सही जनगणना कर सकें।

मैं यह पूछना चाहता हूं कि सरकार इतने विलंब से इस बिल को क्यों लेकर आई है और यह कब तक लागू होगा ? कई राज्यों में चुनाव होने जा रहे हैं, क्या उन राज्यों के चुनाव होने से पूर्व पीरसीमन हो जायेगा या लोक सभा के चुनाव तक पूरा होगा ? अगर लोक सभा के चुनाव तक नहीं हो पायेगा तो जिस संसदीय क्षेत्र की जनसंख्या ज्यादा है और जिस संसदीय क्षेत्र की जनसंख्या कम है, उसमें बड़ी दिक्कत होगी। जब आप इसे स्पट करेंगे तभी मैं इस बिल का समर्थन करूंगा।

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): Sir, I thank you for giving me this opportunity.

At the outset, I would like to say that the last delimitation work was done in 1967. After that, in the late 1980s, the Delimitation Commission was set up but due to the dissolution of the House, the work had stopped as usual. I am having the same feeling today. I am very much doubtful whether this Delimitation Commission would be able to complete the work before this Parliament goes for the election. If it is not going to happen, I think even bringing forward of this Constitutional amendment is going to be a waste.

This House demands a change. This change can be brought about if the work of the Delimitation Commission is done properly and if it is done before this Lok Sabha goes to the polls.

One of the intentions of the Delimitation Commission, which has been created in the Constitution, is to change not only the areas but also to see that they are not monopolised by somebody else. Nowadays, constituencies are monopolised. This is one of the ways in which the older form of the kingdoms, which were there, are not brought into being by the formal democratic system in the country.

Therefore, I would like to request the hon. Minister to see that the Census Report is published immediately. One of the basic necessities for completing the work of the Delimitation Commission after 2001 is to see that this Census Report is published.

I would like to make another suggestion. Way back in 1951, Dr. Ambedkar said that some time we would have to do away with the reserved seats. I doubt whether political parties in this country will have the strength of, at least, speaking up on this issue. They will never speak up because they will always think of the vote bank. But I have my own suggestion here. It is that those seats which have been reserved for more than 25 years should be changed and some people from those constituencies should get a chance to represent other constituencies.

17.41 hours (Mr. Speaker *in the Chair*)

It is not that the population of the Scheduled Castes in those constituencies is the maximum. They represent only about 14 per cent or 15 per cent of the population in those constituencies and in none of the reserved constituencies, their population is more than 20 per cent except in some of the constituencies in Uttar Pradesh. Therefore, I would like to suggest to the hon. Minister that he should see that those seats which are reserved this time are not reserved again even if the population of the Scheduled Castes becomes the highest in that State. Otherwise, this delimitation will have no meaning.

I would like to make one more suggestion here. A historical wrong was done on the Scheduled Castes. A tribal person, irrespective of the religion he belongs to, is entitled for reservation. But in the case of the Scheduled Castes, a Constitution Amendment was brought about in 1956 and reservation for the Scheduled Castes was restricted only to Sikhs and Hindus. In 1990, it was extended to Buddhists also. I would like to request the hon. Minister that making reservation on the basis of religion should be done away with and the caste which was the basis for making reservation earlier should continue and an amendment should be brought about for that purpose. Collateral to this, in 1990, the Buddhists were granted reservation. If the hon. Minister is going to take 2001 Census as the basis, I would like to know from him whether all those people who have converted will also be entitled for reservation and whether that number will accordingly be increased.

MR. SPEAKER: Please conclude now.

SHRI PRAKASH YASHWANT AMBEDKAR : Sir, I will conclude within a minute.

Lastly, it is good that the hon. Minister has frozen the increase of seats till 2026. Otherwise, those States which have been following the family planning norms would have been at the receiving end and those States which have not been following it like Uttar Pradesh would have 24 seats more and Bihar would have got 16 seats more. So, I would like to know from the hon. Minister as to what steps he is going to take to see that those States which have been following the policy of the Government of India are not penalised as far as representation of seats is concerned.

MR. SPEAKER: I have got six more speakers on the list who want to speak on this Bill. I may not be in a position to allow them all to make a speech. Since the issue is important, they can only make suggestions. I will call their names and thereafter Shri Vijay Goel will intervene for two minutes. Then the hon. Minister will reply and we can have voting on this Bill at about 6.15 p.m. So, I request the hon. Members to limit their speeches only to two minutes and make only suggestions.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Mr. Speaker, Sir, I rise to support the Constitution (Ninety-Sixth Amendment) Bill. Recently the Ministry of Tribal Affairs brought an amendment and included nearly 145 tribal communities in the list of tribals. So, I would like to know whether they will be included in the 2001 Census Report which will be published in future for changing the character of the Assembly and Parliament seats. This is the only question that I wanted to ask.

SHRI ANADI SAHU (BERHAMPUR, ORISSA): Mr. Speaker Sir, I support this Constitution (Amendment) Bill, but ruefully I would say that we have been buffeted like a spindle in a loom from side to side. This matter could have been thought of earlier and the benchmarks of 1971 and 1991 have been changed now as 2001.

I am not sure whether we can complete the delimitation within the coming two years as indicated in the Objects and Reasons. The Delimitation Commission has come out with certain suggestions. In my State, in one particular District of Bauda, the Assembly segment is supposed to be within 1,57,000 and in another segment in Angul District, it is supposed to be 2,50,000 population.

Now, with this constitutional amendment, again the Delimitation Act will be amended. It will take a lot of time. Now,

again the Act will be amended and after the Act is amended then it will take two years for the Delimitation Commission to decide as to what type of decision will be taken. My suggestion is that it has to be kept in mind by the hon. Minister in formulating the policies.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am afraid that this is a premature exercise. The amendment itself may appear to be premature. Why I am telling this is because the 1991 Census was completed only in 1995.

The Census is a very exhaustive exercise. It is not a mere count of population. There are many things to be enumerated and finally published. To our knowledge and to our experience, the Census exercise could not be completed within a span of four to five years. That is why, I am submitting that this will be a premature exercise. I will be only happy, if 2001 Census is completed by 2003 or 2004. But so far our experience is otherwise. It has never been completed within a short period of two to three years. I am afraid that this will be a very premature exercise and we will be put to a constitutional difficulty in conducting the elections on the basis of 2001 Census.

So, I would request the hon. Minister to take all precautionary measures and he should exert all his pressure, as we are living in a computer age, to see that the final results are published as early as in 2004, at least.

Secondly, I think, the Government is ill-advised. It has been stated in the light of the views expressed by various intellectuals, including lawyers − lawyers are included as intellectuals − various political and other experts that the Government has taken this decision. But the hon. Minister has not understood the ground realities as to what exactly is the position.

We had a discussion previously and we were compelled to consider the question of delimiting on the basis of constituencies because the Government's policy was implemented unevenly and only in some of the States it was implemented. That is the position in the matter of delimitation. So, there will be difficulties as far as this is concerned.

I agree with the suggestion made by Shri Ramesh Chennithala that the districts should be taken as the basis otherwise this uneven family planning basis will lead to many difficulties.

So, I would request the hon. Minister to see that the 2001 Census figures are published and publicized and the difficulties regarding delimitation are looked into seriously by the concerned Minister. With these words, I conclude.

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा श्रम मंत्रालय में राज्य मंत्री (श्री विजय गोयल) : अध्यक्ष महोदय, मैं संविधान के 96वें संशोधन विधेयक के समर्थन में बोलने के लिए खड़ा हुआ हूँ। कानून मंत्री ने बिल्कुल सही किया कि जो परिसीमन आयोग बना था 12 जुलाई 2002 को, जिसको 1991 की जनगणना के आधार पर लोक सभा एवं विधान सभा क्षेत्रों का परिसीमन करना था, अब इसके लिए वे संविधान संशोधन लाए हैं कि इसको 2001 की जनगणना के आधार पर किया जाए।

अध्यक्ष महोदय, मुझे इतना ही कहना है कि अलग-अलग और बार बार जो चुनाव हो रहे हैं, विधान सभा के अलग और लोक सभा के अलग, उसमें कानून मंत्री और परिसीमन आयोग को भी यह ध्यान रखना पड़ेगा कि आज जो परिसीमन विधान सभा का कर दिया जाएगा, जैसे दिल्ली के अंदर 1991 के आधार पर इस नवंबर में चुनाव होंगे, और बाद में जब परिसीमन होगा तो जो क्षेत्र हैं, वे बदले जाएंगे। नए परिसीमन के हिसाब से एम.एल.ए. और एम.पी. की सीट मानी जाएंगी या पुरानी मानी जाएंगी, यह भी परिसीमन आयोग को ध्यान में रखना पड़ेगा ताकि लोक सभा और विधान सभा में किसी तरह से भेद नहीं हो।

दूसरी बात मुझे कहनी है कि बहुत सारी कुरीतियां इसलिए हैं कि देश के अंदर अलग-अलग समय पर चुनाव हो रहे हैं। पंचायत के चुनाव एक बार होते हैं, फिर विधान सभा के चुनाव होते हैं, फिर बाय इलैक्शन्स और लोक सभा तथा राज्य सभा के चुनाव होते हैं। फिर कोई उप-चुनाव आ जाता है। अगर कानून मंत्री और सदन इस पर विचार करें और ध्यान दें कि देश में किस तरह से सारे चुनाव एक साथ किये जाएं कि एक साथ एम.पी., एम.एल.ए., म्यूनिसिपल कार्पोरेशन आदि के चुनाव हों तो बहुत सारा रुपया और समय बचेगा और सरकार भी जो बहुत सारे कठोर निर्णय लेने हैं, वह लेने में सक्षम होगी। इसलिए मैं चाहूँगा कि सरकार इस पर कोई कमीशन या समिति बनाने की तरफ भी विचार करे तो अच्छा रहेगा।

श्री रामदास आठवले (पंढरपुर) : अध्यक्ष महोदय, जो परिसीमन आयोग का गठन 12 जुलाई, 2002 को हुआ था, पहले हमने कानून बनाया था कि 1991 की जनगणना के मुताबिक परिसीमन होगा और अब नया बिल सरकार लाई है कि 2001 की जनगणना के मुताबिक परिसीमन होगा। सरकार की भावना तो अच्छी है मगर मेरा कहना इतना ही है कि जो डीलिमिटेशन कमीशन है, यह 2004 से पहले ठीक ढंग से परिसीमन करने वाला है या नहीं? यह काम 2004 के चुनावों के पहले हो जाना चाहिए। यहां कानून मंत्री अरुण जेटली जी बैठे हैं और प्रधान मंत्री जी भी आ गए हैं। यह काम 2004 के लोक सभा चुनाव के पहले पूरा होना चाहिए और अगर 2004 के पहले पूरा नहीं होता तो 1991 की सैन्सस के मुताबिक ही इलैक्शन होना चाहिए, यह मेरी मांग है।

मेरी दूसरी मांग है कि शुरू में 1 लाख की आबादी पर विधान सभा और 5 लाख की आबादी पर लोक सभा कांस्टीट्यूएंसी का क्राइटीरिया था। अब 35 लाख आबादी की कांस्टीट्यूएंसी है। इसलिए मेरी मांग है कि लोक सभा की जो 543 सीटें हैं, उनको बढ़ाकर 1086 करने की आवश्यकता है। हमारी मांग यह भी है और महिलाओं के रिज़र्वेशन के बारे में मैंने ज़ीरो आवर में भी उठाया था कि 543 सीटों के हिसाब से महिलाओं के लिए भी 182 सीटें बढ़ाने की आवश्यकता है। मैं प्रधान मंत्री जी से विशेा तौर से कहना चाहूंगा कि महिलाओं को न्याय देने के लिए भी उनकी सीटें बढ़ाने की आवश्यकता है। अगर हमारी सीटें बढ़कर 1086 होती हैं तो महिलाओं के लिए भी सीटें बढ़ाकर 304 करने की आवश्यकता है।

महाराट्र में लोक सभा की 48 सीटें और विधान सभा की 188 सीटें हैं। महाराट्र में दलित समाज बनने के बाद लोक सभा की छः सीटें कम होकर तेरह हो गई हैं और विधान सभा की 36 सीटें कम होकर 18 हो गई हैं। 2004 के इलैक्शन के पहले महाराट्र में शैड्यूल्ड कास्ट्स की जो लोक सभा की 13 सीटें हैं और विधान सभा की 18 सीटें हैं, उनको भी बढ़ाने की आवश्यकता है। इसलिए इस बारे में भी विचार करने की आवश्यकता है।

अध्यक्ष महोदय, इसका मतलब यह है कि जो मैंने मांग की है कि 1200 सीटें बढ़ा दें, तो बहुत अच्छा होगा और डीलिमिटेशन भी ठीक ढंग से होगा। महोदय, चूंकि

परिसीमन होने वाला है इसलिए चुनाव में आपका हो जाएगा बहिर्गमन। इन्हीं शब्दों के साथ, मैं अपनी बात समाप्त करता हूं।

MR. SPEAKER: Shri Haribhau Shankar Mahale will lay his speech on the Table of the House. Now, Shri Subodh Mohite.

***श्री हरीभाऊ शंकर महाले (मालेगांव):** माननीय सभापति महोदय, सदन में चुनाव क्षेत्रों के परिसीमन के बारे मं विधेयक आया है। मुझे इस विाय पर बोलने के लिये समय दिया, मैं आपका आभारी हूं।

भारत में 1950 साल से लगातार नियमानुसार चुनाव हो रहा है। प्रत्येक जनगणना के बाद डिलिमिटेशन कमेटी बैठती है और संसद सदस्यों और विधायकों की सीटें तय की जाती हैं। अभी भी चुनाव आयोग ने डिलिमिटेशन कमेटी बना दी है। इस कमेटी ने कहा है कि 2001 की जनगणना के अनुसार सीटों का बंटवारा करना चाहिये और इसके लिये सब राजनैतिक दलों को विश्वास में लेना चाहिये। इस बारे में बहुत विवाद है। सीटों का बंटवारा करते समय निपक्ष होकर काम करने की जरूरत है। खाली आबादी का हिसाब देखने से, यह काम होने वाला नहीं है। किसी स्थान की पहाड़ी या भौगोलिक परिस्थिति कैसी है उसे भी देखना चाहिये। नासिक जिले में पंद्रह तहसीलें हैं। आधी नासिक तहसील और पूरी इगतपुरी तहसील दूसरी लोक सभा निर्वाचन क्षेत्र में जोड़ दी गयी है। तहसील सटाणा, तहसील ककबण, तहसील देवला धुलिया लोक सभा निर्वाचन क्षेत्र में जोड़ दी गई हैं। नासिक जिले में दो लोक सभा सीटें हैं- मालेगांव और नासिक। नासिक लोक सभा सीट को नगर जिले की आकोला तहसील से जोड़ दिया गया है, जिसके कारण संसद सदस्यों को ऑफिशियल और अन्य काम करना मुश्किल हो रहा है। मेरी आपके माध्यम से ि वनती है कि 2001 की जनगणना के आधार पर चुनाव कराना, भौगोलिक स्थिति देखना, निपक्ष रूप से सीटों का बंटवारा करना, अनुसूचित जाति और जनजाति की सीटों में सुधार करना जरूरी होगा ताकि किसी के साथ अन्याय न हो।

*Speech was laid on the Table.

श्री सुबोध मोहिते (रामटेक) : माननीय अध्यक्ष जी, मेरा एक ही सुझाव है, जिसका पिछले 50 सालों से आज तक सॉल्यूशन नहीं निकला है। यह बिल दो बातों के लिए लाया गया है। पहली बात तो यह है कि पॉपुलेशन बेस्ड डीलिमिटेशन, जिसको रैशनलाइजेशन आफ दि कांस्टीट्यूएंसी कहा है और दूसरा रिजर्वेशन फिक्सेशन। महाराट्र में दो जातियां ऐसी हैं जिनका स्टेटस आज तक न तो सेंट्रल गवर्नमेंट को पता है और न स्टेट गवर्नमेंट को। वह है एक तो हलबा समाज और दूसरा है गोवारी समाज। गोवारी समाज के 114 लोग शहीद हो गए, लेकिन उनको यह पता नहीं कि वे शेड्यूल्ड कास्ट्स में हैं, शेड्यूल्ड ट्राइब में हैं या ओपन में हैं। हलवा की भी यही सिचुएशन है। उनका 50 साल से सुप्रीम कोर्ट में केस चल रहा है। दुर्भाग्य की बात है कि ऑन दि बेसिस आफ हलवा, वह कांस्टीट्यूएंसी रिजर्व की जाती है। हलवा का रिजर्व कैंडीडेट चुनकर आ जाता है, लेकिन उसे एक महीने के अंदर डिस्क्वालीफाई कर दिया जाता है। मेरी कांस्टीट्यूएंसी में चार बाई इलैक्शन छः महीने में हो चुके हैं और आने वाले समय में छः इलैक्शन और होने वाले हैं। इसलिए मेरा निवेदन है कि हलबा और गोवारी समाज की जातियों को फिक्स करने की जरूरत है कि वे आखिर किस जाति में हैं अर्थात् क्या वे अनुसूचित जाति हैं, अनुसूचित जनजाति हैं आ ओपन कास्ट हैं।

श्री सानछुमा खुंगुर बैसीमुथियारी (कोकराझार) : अध्यक्ष महोदय, आपने मुझे इस पर बोलने का मौका दिया, इसके लिए मैं आपका आभारी हूं। मैं डीलिमिटेशन के बारे में कुछ सुझाव देने के लिए खड़ा हुआ हूं। सबसे पहले आर्टीकल 330 के मुताबिक ट्राइबल लोगों के लिए, प्लेन्स ट्राइबल, दो पार्लियामेंट्री सीट रिजर्व होनी चाहिए। There are 14 Parliamentary seats in Assam. Out of these 14 Parliamentary seats, at least two seats should be reserved for the plains is tribal people. Out of 126 Assembly seats, at least 20 Assembly seats should be kept reserved for the plains is tribal people.

There is one provision under Section 4(b) of the Representation of the People Act, 1951. This provision should be amended so as to ensure the bare minimum political rights of the plain's tribal people from the encroachment by outside tribal people because in India we have seen that there are certain Parliamentary constituencies where no other outsider can go and contest over there. In the case of Lakshadweep Parliamentary constituency, Sikkim Parliamentary Constituency and Diphu Parliamentary Constituency, no outsider can go and contest there in the Parliamentary election but in the case of No. 5 Kokrajhar (S.T.) Parliamentary constituency, any tribal people of the country can go and contest over there. Sir, I want to get some kind of protection from the Law Ministry. This is why, I would like to appeal to the Government of India to bring an amendment to the provision, that is, Section 4(b) of the Representation of the People Act, 1951.

अध्यक्ष महोदय, मैं आपके माध्यम से सरकार के ध्यान में एक और मुद्दा लाना चाहता हूं, जब 2001 में सैंसस को बेसिस कर के डीलिमिटेशन किया जाएगा, तो असम में आज तक जितने लोग बाहर से आए हैं, मायग्रेशन चल रहा है, उसका ध्यान रखना पड़ेगा।

18.00 hrs.

The doubtful nationality persons should not be taken into account while taking the population of 2001 Census because still the migration is taking place. Nobody is serious to prevent the immigration from outside.

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY): Sir, I am extremely grateful to the hon. Members who have expressed their opinion on this Constitution (Amendment) Bill at length. However, due to constraint of time, I will only refer to some of the main points which have been made in the course of the debate.

One question, which has been raised by several Members, particularly in relation to the Scheduled Caste and the Scheduled Tribe seats, is to the basis of their fixation and whether there is a desirability of rotating some of those seats. The basis, which is provided not in the Constitution (Amendment) Bill, but in the Delimitation Act under

section 9, is a slightly different basis both for the Scheduled Caste and Scheduled Tribe. The basis for Scheduled Tribe is that the total percentage of the Scheduled Caste population will be taken note of, and in proportion to the population, the total number of Scheduled Caste seats or Scheduled Tribe seats will be fixed. Which of the constituencies will be the Scheduled Caste and Scheduled Tribe constituencies? In the Scheduled Caste constituency, there is a slight discretion which is given. The discretion is that where the population of the Scheduled Caste is comparatively large, this flexibility has been given to make sure that all the Scheduled Caste seats do not converge into one part of the State and the rest of the State is left unrepresented by the Scheduled Caste seats.

However, in the case of Scheduled Tribe seats, there is a clear arithmetical formula. Because there is the desirability of the Scheduled Tribe candidates representing the constituencies where there is a large Scheduled Tribe population, where the population of the Scheduled Tribe is the largest, and that would automatically be fixed as the Scheduled Tribe seat.

Now, in case we start rotating these seats, there are a few questions which will arise. The first is that before we take a decision of this kind, there has to be a larger consensus built up in the House, which, in the course of various discussions among various political Parties, has still not built up.

The second question which arises is that in the event of rotation, you could well have a situation where, for instance, in this case an asymmetry is being created that by virtue of the rotation, the constituencies, where there is no Scheduled Tribe population, are being reserved for the Scheduled Tribe candidates and the constituencies which have overwhelmingly large number of tribal population are becoming open constituencies. Now these asymmetries would come in. Keeping all these factors in mind and that still there has not been a larger consensus on the question of rotation, therefore, this Bill either in the original form or in the present amended form does not speak rotation as such.

There was a question which was raised by Shri Somnath Chatterjee why not we have the present election on the basis of the 1991 Census. Another issue which was raised was that we should have really visualised a year and a half ago when the first Amendment was brought about to the Constitution. When the Amendment was brought about, the Amendment was a Constitutional necessity. It was a Constitutional necessity because when the Constitution Amendment took place in 1973, elections to Parliament subsequently had to be held by a new dispensation which had to be created. Therefore, even though the Census was held in the year 2001, the figures of the Census were anticipated only towards the end of 2003. Earlier it used to take four to six years. Now, the period has been shortened because of various kinds of software developed in this process.

I am given to understand, on the basis of authentic enquiries which we made, that perhaps by September or October this year the final figures of the Census would be published.

Dr. Raghuvansh Prasad Singh mentioned that the mandate of article 82 is the last Census. The Census has already been held in the year 2001. But if he reads the proviso to section 81, it clarifies that the population is to be determined on the basis of the last published Census.

The position of the present census is that the provisional figures of the present census have already been published and the final figures would be published by September or October. The difference between the provisional and the final figures is really going to relate to the past break-up of the Scheduled Caste and the Scheduled Tribe population in those constituencies. That would be known once the final figures are published. A lot of homework has already been done by the Delimitation Commission. The Delimitation Commission would continue to function in this process because they have the provisional figures.

As far as readjustment of constituencies as per the population size of 2001 is concerned, they would be in a position to readjust them and complete their inner exercise after the final figures are published in September or October, when the entire process would start afresh particularly with regard to constituencies with a larger Scheduled Caste and Scheduled Tribe population. Then, the draft proposal would be published.

A number of hon. Members had raised a question with regard to the involvement of associate members and the kind of involvement of associate members in the functioning of the Commission itself. The Delimitation Act provides for three members and associate members. The associate members do not have a right to vote but short of that in every other activity associate members have a right to participate. The reason why the right to vote was not given in the Delimitation Act is that from a given State it might well be possible that a particular political party has an overwhelming majority in the State both in the Assembly and also in terms of representatives in Parliament. So, the nominees of that party would have the dominant associate members. Giving them a right to vote would effectively mean that the nominees of that political party would be deciding what the character of the constituency would be and this could lead to some form of gerrymandering as far as those constituencies are concerned. Therefore, the right to vote was not given but there is a full right to participate. The voting right is only with the full members. As I

mentioned in the opening remarks, I have taken this issue up both orally and in writing with the Delimitation Commission. I have been now assured by a written reply by them that from the stage of formation of the draft proposal, that is the first proposal which is to be made, associate members would be involved in this whole process at all stages. I have already circulated to all the political parties and presidents of political parties the copy of the reply which the Delimitation Commission had sent to me in this regard.

A question was raised whether a consequential amendment to the Delimitation Act would be required after this Constitution Amendment is approved. Yes, it would be required. This Constitution Amendment, because it also affects the States, would need to be ratified by 50 per cent of the States and the Constitution Amendment would be a formal amendment. At four places in the Delimitation Act the numerical 1991 appears and, therefore, that would also be required to be changed to 2001.

There are several questions and concerns which were raised with regard to whether it would be possible to complete this exercise by October, 2004 when the Lok Sabha elections are normally anticipated. I took this subject up with the Delimitation Commission before this debate to find out what their thinking on this subject is. On the basis of the exercise which they have been doing, I have been told that it is now possible, unlike in the past when it used to take five to six years, with the kind of software and various other machinery available to complete this exercise quite quickly. I have been given to understand that they would endeavour their best to complete it towards at least the middle of the next year. If that is possible, subject to public objections, etc., a question would arise when the recommendations are submitted to the Government as to whether they have to be notified for this election or for the next election, in case that is possible. So, the possibility which Shri Alvi was envisaging that in case it spills over beyond the next Lok Sabha election, a new set of associate members would come and, therefore, the exercise may have to begin afresh, seriously does not exist and we hope such a situation does not arise. We would also be conscious of the fact that some reasonable notice would have to be given to candidates and sitting Members so that they know reasonably in advance what the character of their constituency is. To notify them at the eleventh hour that the character of their constituency has changed would be unfair to the candidates and political parties. We would keep all these factors in mind and attempt to cross the bridge when that situation does arise.

SHRI SOMNATH CHATTERJEE : Sir, it appears that in spite of the present technology that is available it would not be possible or it would most likely not be possible to have the 2001 census figures applicable to the next elections, whenever the hon. Prime Minister wishes to hold them, even on the last date of October. That is the only thing I had said.

SHRI ARUN JAITLEY: If it is possible, then, perhaps, we would visualise the next election under that Act. Despite the best efforts if it is not possible, then we will deal with the situation when that arises. To be affirmatively certain today, it may not be reasonably possible for us to indulge in that kind of a guess work and leave that uncertainty into the minds of candidates and Members.

One question was raised with regard to the number of seats, which may not be divisible by five in a given State. Therefore, under correction of difficulties, we will see how that situation is to be dealt with.

Section 10(6) of the Act says, they will endeavour to complete the tenure within two years. That tenure will expire in July. We hope that this exercise is completed by that time and if it is not, then some reasonable extension of time, because it is `endeavour clause', would have to be granted in this regard.

Lastly, a question was raised with regard to the position of neo *Buddhists*. After the 1990 order in Maharashtra, they would be treated as Scheduled Castes and that population component would be taken into consideration. Shri Prakash Yashwant Ambedkar had raised this question, while calculating the total Scheduled Castes population percentage and that may be one of the reasons for the increase of number of constituencies reserved in the State of Maharashtra by the addition of this.

Sir, there are several other smaller issues which have been raised by the hon. Members. But since you have fixed the time for voting, I am not replying to each one of them.

Sir, with these few words, I commend to this House that this Constitution (Amendment) Bill be adopted by the House.

MR. SPEAKER: Before I put the motion for consideration to the vote of the House, I may inform the House that this being a Constitutional (Amendment) Bill, voting has to be by Division.

Let the lobbies be cleared.

MR. SPEAKER : Since the lobbies are cleared now, before I put the motion for consideration to vote of the House, I may inform that this being a Constitution (Amendment) Bill, voting has to be by division.

The question is :

"That the Bill further to amend the Constitution of India, be taken into consideration."

The Lok Sabha divided :

Division No. 5 AYES [18.15 hrs.]

Abdullakutty, Shri A.P.

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahmad, Shri Daud

Ahmed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alvi, Shri Rashid

Ambedkar, Shri Prakash Yashwant

Ananth Kumar, Shri

Angle,Shri Ramakant

Argal,Shri Ashok

Arya, Dr.(Shrimati) Anita

Athawale, Shri Ramdas

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bais, Shri Ramesh

Baitha, Shri Mahendra

Banerjee, Shrimati Jayashree

Bangarappa, Shri S.

Bansal, Shri Pawan Kumar

Basavanagoud, Shri Kolur

Basavaraj, Shri G.S.

Begum Noor Bano

Bhagat, Prof. Dukha

Bhagora, Shri Tarachand

Bhargava, Shri Girdhari Lal

Bhatia, Shri R.L.

Bhuria, Shri Kantilal

Bind, Shri Ram Rati

Bishnoi, Shri Jaswant Singh

Botcha, Shri Satyanarayana

Brahmanaiah, Shri A.

Brar, Shri J.S.

Bundela, Shri Sujan Singh

*Bwiswmuthiary, Shri Sansuma Khunggur

C.Suguna Kumari,Dr. (Shrimati)

Chakraborty, Shrimati Bijoya

Chandel, Shri Suresh

Chatterjee, Shri Somnath

Chaturvedi, Shri Satyavrat

Chaubey, Shri Lal Muni

Chaudhary, Shri Haribhai

Chaudhary, Shri Ram Raghunath

Chaudhary, Shri Ram Tahal

Chaudhri, Shri Manibhai Ramjibhai

Chauhan, Shri Nandkumar Singh

Chauhan, Shri Shriram

Chennithala, Shri Ramesh

Chikhalia, Shrimati Bhavnaben Devrajbhai

Choudhary, Col. (Retd.) Sona Ram

*Recorded through slip

Choudhary, Shri Nikhil Kumar

Choudhary, Shrimati Reena

Choudhry,Shri Padam Sen

Chouhan, Shri Shivraj Singh

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Dalit Ezhilmalai, Shri

Das, Shri Khagen

Das, Shri Nepal Chandra

Dattatreya, Shri Bandaru

Delkar, Shri Mohan S.

Deo, Shri Bikram Keshari

Dev, Shri Sontosh Mohan

Deve Gowda, Shri H.D.

Dhinakaran, Shri T.T.V.

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Dudi, Shri Rameshwar

Dullo, Shri Shamsher Singh

Eden, Shri George

Elangovan, Shri P.D.

Farook, Shri M.O.H.

Fernandes, Shri George

Gadhavi, Shri P.S.

Gamang, Shrimati Hema

Gamlin, Shri Jarbom

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gautam, Shrimati Sheela

Gavit, Shri Manikrao Hodlya

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

George, Shri K. Francis

Ghatowar, Shri Paban Singh

Giluwa, Shri Laxman

Goel, Shri Vijay

Gogoi, Shri Dip

Gohain, Shri Rajen

Govindan, Shri T.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

Hamid, Shri Abdul

Handique, Shri Bijoy

Hansda, Shri Thomas

Hussain, Shri Syed Shahnawaz

Jadhav, Shri Suresh Ramrao

Jaffer Sharief, Shri C.K.

Jag Mohan, Shri

Jagannath, Dr. Manda

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad

Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murli Manohar

Kaliappan, Shri K.K.

Kamble, Shri Shivaji Vithalrao

Kanungo, Shri Trilochan

Karunakaran, Shri K

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

*Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Hassan

Khan, Shri Mansoor Ali

Khandelwal, Shri Vijay Kumar

*Recorded through slip

Khanduri, Maj.Gen.(Retd.) B.C.

Khanna, Shri Vinod

Khunte, Shri P.R.

Khurana, Shri Madan Lal

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnamurthy, Shri K.E.

Krishnan, Dr.C

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Kyndiah, Shri P.R.

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Malyala, Shri Rajaiah

*Mandal, Shri Brahma Nand

Mane, Shri Shivaji

Mane, Shrimati Nivedita

*Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shri Bherulal

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

*Recorded through slips

Mohale, Shri Punnu Lal

Mohan, Shri P.

Mohite, Shri Subodh

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan,Shri K.

Murthi, Dr. M.V.V.S.

Murugesan, Shri S

Muttemwar, Shri Vilas

Nagmani, Shri

Naik, Shri A. Venkatesh

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Narah, Shrimati Ranee

Nayak, Shri Ananta

Nitish Kumar, Shri

Ola, Shri Sis Ram

Oram, Shri Jual

Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada

Pal, Dr. Mahendra Singh

Pal, Shri Rupchand

Palanimanickam, Shri S.S.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Pandian, Shri P.H.

Paranjpe, Shri Prakash

Parthasarathi, Shri B.K.

Parste, Shri Dalpat Singh

Passi,Shri Raj Narain

Paswan,Dr. Sanjay

Paswan, Shri Sukdev

Patasani, Dr.Prasanna Kumar

Patel, Dr. Ashok

Patel, Shri Chandresh

Patel, Shri Dharam Raj Singh

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantrao

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Bhaskarrao

Patil, Shri Jaysingrao Gaikwad

Patil, Shri Prakash V.

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patnaik, Shrimati Kumudini

Patwa, Shri Sundar Lal

*Pilot, Shrimati Rama

Ponnuswamy, Shri E.

Potai, Shri Sohan

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

*Recorded through slip

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Ramachandran, Shri Gingee N.

Ramshakal, Shri

Ramulu, Shri H.G.

Rao, Shri Ch.Vidyasagar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ganta Sreenivasa

*Rao, Shri S.B.P.B.K. Satyanarayana

*Recorded through slip

Rathwa, Shri Ramsinh

Rau, Shrimati Prabha

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Ray, Shri Bishnu Pada

Reddy, Shri A.P.Jithender

Reddy, Shri B.V.N.

Reddy, Shri Chada Suresh

Reddy, Shri Gutha Sukender

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

Riyan, Shri Baju Ban

*Roy, Shri Subodh

Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi

*Recorded through slip

Sahu, Shri Tarachand

Saiduzzama, Shri

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

Sangwan, Shri Kishan Singh

Saroj, Shri Tufani

Saroj, Shrimati Sushila

Saroja, Dr. V.

Sathi, Shri Harpal Singh

Sayeed, Shri P.M.

Selvaganpathi, Shri T.M.

Sethi, Shri Arjun Charan

Shah, Shri Manabendra

Shaheen, Shri Abdul Rashid

Shandil, Col.(Retd.)Dr. Dhani Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharma, Capt. Satish

Shukla, Shri Shyamacharan

Singh Deo, Shri K.P.

Singh Deo, Shrimati Sangeeta Kumari

Singh, Capt.(Retd) Inder

Singh, Ch.Tejveer

Singh, Dr. Ram Lakhan

Singh, Dr. Raman

Singh, Kunwar Akhilesh

Singh, Sardar Buta

Singh, Shri Bahadur

Singh, Shri Brij Bhushan Sharan

Singh, Shri Chandra Pratap

Singh, Shri Chandra Vijay

Singh, Shri Charanjit

Singh, Shri Chhattrapal

Singh, Shri Digvijay

Singh, Shri Khel Sai

Singh, Shri Lakshman

Singh, Shri Maheshwar

Singh, Shri Prabhunath

Singh, Shri Radha Mohan

Singh, Shri Rajo

Singh, Shri Ram Prasad

Singh, Shri Ramanand

Singh, Shri Ramjivan

Singh, Shri Rampal

Singh, Shri Tilakdhari Prasad

Singh, Shrimati Kanti

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sivakumar, Shri V.S.

Sorake, Shri Vinay Kumar

Sreenivasan, Shri C.

Srikantappa, Shri D.C.

Srinivasulu, Shri Kalava

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.

Suman, Shri Ramji Lal

*Sunil Dutt, Shri

*Recorded through slip

Suresh, Shri Kodikunnil

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Dr. C.P.

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

Tiwari, Shri Lal Bihari

Tiwari, Shri Sunder Lal

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Vaghela, Shri Shankersinh

Vajpayee, Shri Atal Bihari

Vasava, Shri Mansukhbhai D.

Venkataswamy, Dr. N.

Venkateshwarlu, Shri B.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vetriselvan, Shri V.K.

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.

Virendra Kumar, Shri

Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

Wadiyar, Shri S.D.N.R.

Wanga, Shri Chintaman

Wangcha, Shri Rajkumar

Yadav, Dr. (Shrimati) Sudha

Yadav, Shri Akhilesh

Yadav, Dr.Jaswant Singh

Yadav, Shri Balram Singh

Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Mulayam Singh

Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

MR. SPEAKER : Subject to correction* , the result of the division is :

Ayes 359

Noes 0

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

MR. SPEAKER : Nowthe House will take up clause by clause consideration of the Bill.

There are no amendments to clauses 2 to 5. If the House agrees, I shall put clauses 2 to 5 together to the vote of the House, in which case, the result of the voting shall be taken as applicable to each clause separately. I hope the House agrees.

SEVERAL HON. MEMBERS : Yes.

MR. SPEAKER : As the lobbies are already cleared, I shall nowput clauses 2 to 5 to the vote of the House.

** AYES : Shri Sunsuma Khunggur Bwiswmuthiary, Dr. Vallabhbhai Kathiria, S/Shri Brahma Nand Mandal, Manjay Lal, Shrimati Rama Pilot, Shri S.B.P.B.K. Satyanarayan Rao, Shri Subodh Roy, Shri Sunil Dutt recorded through division slip. Total : 367*

The question is :

"That clauses 2 to 5 stand part of the Bill."

The Lok Sabha divided :

Division No. 6 AYES [15.20 hrs.]

Abdullakutty, Shri A.P.

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahmad, Shri Daud

Ahmed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alvi, Shri Rashid

Ambedkar, Shri Prakash Yashwant

Ananth Kumar, Shri

Angle,Shri Ramakant

Argal,Shri Ashok

Arya, Dr.(Shrimati) Anita

Athawale, Shri Ramdas

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bais, Shri Ramesh

Baitha, Shri Mahendra

Banerjee, Shrimati Jayashree

Bangarappa, Shri S.

Bansal, Shri Pawan Kumar

Basavanagoud, Shri Kolur

Basavaraj, Shri G.S.

Begum Noor Bano

Bhagat, Prof. Dukha

Bhagora, Shri Tarachand

Bhargava, Shri Girdhari Lal

Bhatia, Shri R.L.

Bhuria, Shri Kantilal

Bind, Shri Ram Rati

Bishnoi, Shri Jaswant Singh

Botcha, Shri Satyanarayana

Brahmanaiah, Shri A.

Brar, Shri J.S.

Bundela, Shri Sujan Singh

Bwiswmuthiary, Shri Sansuma Khunggur

C.Suguna Kumari,Dr. (Shrimati)

Chakraborty, Shrimati Bijoya

Chandel, Shri Suresh

Chatterjee, Shri Somnath

Chaturvedi, Shri Satyavrat

Chaubey, Shri Lal Muni

Chaudhary, Shri Haribhai

Chaudhary, Shri Ram Raghunath

Chaudhary, Shri Ram Tahal

Chaudhri, Shri Manibhai Ramjibhai

Chauhan, Shri Bal Krishna

Chauhan, Shri Nandkumar Singh

Chauhan, Shri Shriram

Chennithala, Shri Ramesh

Chikhalia, Shrimati Bhavnaben Devrajbhai

Choudhary, Col. (Retd.) Sona Ram

Choudhary, Shri Nikhil Kumar

Choudhary, Shrimati Reena

Choudhry,Shri Padam Sen

Chouhan, Shri Shivraj Singh

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Dalit Ezhilmalai, Shri

Das, Shri Khagen

Das, Shri Nepal Chandra

Dattatreya, Shri Bandaru

Delkar, Shri Mohan S.

Deo, Shri Bikram Keshari

Dev, Shri Sontosh Mohan

Deve Gowda, Shri H.D.

Dhinakaran, Shri T.T.V.

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Dudi, Shri Rameshwar

Dullo, Shri Shamsher Singh

Eden, Shri George

Elangovan, Shri P.D.

Farook, Shri M.O.H.

Fernandes, Shri George

Gadhavi, Shri P.S.

Gamang, Shrimati Hema

Gamlin, Shri Jarbom

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gautam, Shrimati Sheela

Gavit, Shri Manikrao Hodlya

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

George, Shri K. Francis

Ghatowar, Shri Paban Singh

Giluwa, Shri Laxman

Goel, Shri Vijay

Gogoi, Shri Dip

Gohain, Shri Rajen

Govindan, Shri T.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

Hamid, Shri Abdul

Handique, Shri Bijoy

Hansda, Shri Thomas

Hussain, Shri Syed Shahnawaz

Jadhav, Shri Suresh Ramrao

Jaffer Sharief, Shri C.K.

Jag Mohan, Shri

Jagannath, Dr. Manda

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad

Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murli Manohar

Kaliappan, Shri K.K.

Kamble, Shri Shivaji Vithalrao

Kanungo, Shri Trilochan

Karunakaran, Shri K

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Hassan

Khan, Shri Mansoor Ali

Khandelwal, Shri Vijay Kumar

Khanduri, Maj.Gen.(Retd.) B.C.

Khanna, Shri Vinod

Khunte, Shri P.R.

Khurana, Shri Madan Lal

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnamurthy, Shri K.E.

Krishnan, Dr.C

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun

*Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Kyndiah, Shri P.R.

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

*Recorded through Slip

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mane, Shri Shivaji

Mane, Shrimati Nivedita

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shri Bherulal

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohale, Shri Punnu Lal

Mohan, Shri P.

Mohite, Shri Subodh

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan,Shri K.

Murthi, Dr. M.V.V.S.

Murugesan, Shri S

Muttemwar, Shri Vilas

Nagmani, Shri

Naik, Shri A. Venkatesh

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Narah, Shrimati Ranee

Nayak, Shri Ananta

Nitish Kumar, Shri

Ola, Shri Sis Ram

Oram, Shri Jual

Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada

Pal, Dr. Mahendra Singh

Pal, Shri Rupchand

Palanimanickam, Shri S.S.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Pandian, Shri P.H.

Paranjpe, Shri Prakash

Parthasarathi, Shri B.K.

Parste, Shri Dalpat Singh

Passi,Shri Raj Narain

Paswan,Dr. Sanjay

Paswan, Shri Sukdev

Patasani, Dr.Prasanna Kumar

Patel, Dr. Ashok

Patel, Shri Chandresh

Patel, Shri Dharam Raj Singh

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantrao

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Bhaskarrao

Patil, Shri Jaysingrao Gaikwad

Patil, Shri Prakash V.

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patnaik, Shrimati Kumudini

Patwa, Shri Sundar Lal

Pilot, Shrimati Rama

Ponnuswamy, Shri E.

Potai, Shri Sohan

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Ramachandran, Shri Gingee N.

Ramshakal, Shri

Ramulu, Shri H.G.

Rao, Shri Ch.Vidyasagar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ganta Sreenivasa

*Rao, Shri S.B.P.B.K. Satyanarayana

Rathwa, Shri Ramsinh

Rau, Shrimati Prabha

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

*Recorded through slip

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Ray, Shri Bishnu Pada

Reddy, Shri A.P.Jithender

Reddy, Shri B.V.N.

Reddy, Shri Chada Suresh

Reddy, Shri Gutha Sukender

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

Riyan, Shri Baju Ban

Roy, Shri Subodh

Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi

*Sahu, Shri Tarachand

Saiduzzama, Shri

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

Sangwan, Shri Kishan Singh

*Recorded through slip

Saroj, Shri Tufani

Saroj, Shrimati Sushila

Saroja, Dr. V.

Sathi, Shri Harpal Singh

Sayeed, Shri P.M.

Selvaganpathi, Shri T.M.

Sethi, Shri Arjun Charan

Shah, Shri Manabendra

Shaheen, Shri Abdul Rashid

Shandil, Col.(Retd.)Dr. Dhani Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharma, Capt. Satish

Shukla, Shri Shyamacharan

Singh Deo, Shri K.P.

Singh Deo, Shrimati Sangeeta Kumari

Singh, Capt.(Retd) Inder

Singh, Ch.Tejveer

Singh, Dr. Ram Lakhan

Singh, Dr. Raman

Singh, Kunwar Akhilesh

Singh, Sardar Buta

Singh, Shri Bahadur

Singh, Shri Brij Bhushan Sharan

Singh, Shri C.N.

Singh, Shri Chandra Pratap

Singh, Shri Chandra Vijay

Singh, Shri Charanjit

Singh, Shri Chhattrapal

Singh, Shri Digvijay

Singh, Shri Khel Sai

Singh, Shri Lakshman

Singh, Shri Maheshwar

Singh, Shri Prabhunath

Singh, Shri Radha Mohan

Singh, Shri Rajo

Singh, Shri Ram Prasad

Singh, Shri Ramanand

Singh, Shri Ramjivan

Singh, Shri Rampal

Singh, Shri Tilakdhari Prasad

Singh, Shrimati Kanti

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sivakumar, Shri V.S.

Sorake, Shri Vinay Kumar

Sreenivasan, Shri C.

Srikantappa, Shri D.C.

Srinivasulu, Shri Kalava

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.

Suman, Shri Ramji Lal

Sunil Dutt, Shri

Suresh, Shri Kodikunnil

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Dr. C.P.

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

*Thomas, Shri P.C.

Tiwari, Shri Lal Bihari

Tiwari, Shri Sunder Lal

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Vaghela, Shri Shankersinh

Vajpayee, Shri Atal Bihari

Vasava, Shri Mansukhbhai D.

Venkataswamy, Dr.N.

Venkateshwarlu, Shri B.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vetriselvan, Shri V.K.

Vijaya Kumari, Shrimati D.M.

*Recorded through slip

Vijayan, Shri A.K.S.

Virendra Kumar, Shri

Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

Wadiyar, Shri S.D.N.R.

*Wanga, Shri Chintaman

Wangcha, Shri Rajkumar

Yadav, Dr. (Shrimati) Sudha

Yadav, Shri Akhilesh

Yadav, Dr.Jaswant Singh

Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Mulayam Singh

*Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

*Recorded through slips

*MR. SPEAKER: Subject to correction** , the result* of the division is:*

Ayes: 364

Noes: 0

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1

Amendment made:

Page 1, line 3,--

for "(Ninety-sixth Amendment)",

substitute "(Eighty-seventh Amendment)" (1)

(Shri Arun Jaitley)

MR. SPEAKER: I shall nowput clause 1, as amended, to the vote of the House.

The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Enacting Formula and the long Title were added to the Bill.

*** **AYES** : S/Shri V.Dhananjaya Kumar, S.B.P.B.K. Satyanarayan Rao, Tarachand Sahu, P.C. Thomas, Chintaman Wanga and Pradip Yadav recorded through slips.*

Total : 370

SHRI ARUN JAITLEY: Sir, I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Before I put the motion that the Bill, as amended, be passed, to vote of the House, I would like to say that this being a Constitution (Amendment) Bill, voting has to be by division.

The Lobbies have already been cleared.

The question is:

"That the Bill, as amended, be passed."

The Lok Sabha divided:

Division No. 7 AYES [18.25 hrs.]

Abdullakutty, Shri A.P.

Acharya, Shri Prasanna

Adhi Sankar, Shri

Aditya Nath, Yogi

Adsul, Shri Anandrao Vithoba

Advani, Shri L.K.

Ahmad, Shri Daud

Ahmed, Shri E.

Aiyar, Shri Mani Shankar

Ajaya Kumar, Shri S.

Alvi, Shri Rashid

Ambedkar, Shri Prakash Yashwant

Ananth Kumar, Shri

Angle,Shri Ramakant

Argal,Shri Ashok

Arya, Dr.(Shrimati) Anita

Athawale, Shri Ramdas

Atkinson, Shri Denzil B.

Azad, Shri Kirti Jha

Baalu, Shri T.R.

'Bachda', Shri Bachi Singh Rawat

Badnore, Shri Vijayendra Pal Singh

Baghel, Prof. S.P. Singh

Bais, Shri Ramesh

Baitha, Shri Mahendra

Banerjee, Shrimati Jayashree

Bangarappa, Shri S.

Bansal, Shri Pawan Kumar

Basavanagoud, Shri Kolur

Basavaraj, Shri G.S.

Begum Noor Bano

Bhagat, Prof. Dukha

Bhagora, Shri Tarachand

Bhargava, Shri Girdhari Lal

Bhatia, Shri R.L.

Bhuria, Shri Kantilal

Bind, Shri Ram Rati

Bishnoi, Shri Jaswant Singh

Botcha, Shri Satyanarayana

Brahmanaiah, Shri A.

Brar, Shri J.S.

Bundela, Shri Sujan Singh

Bwiswmuthiary, Shri Sansuma Khunggur

C.Suguna Kumari,Dr. (Shrimati)

Chakraborty, Shrimati Bijoya

Chandel, Shri Suresh

Chatterjee, Shri Somnath

Chaturvedi, Shri Satyavrat

Chaubey, Shri Lal Muni

Chaudhary, Shri Haribhai

Chaudhary, Shri Ram Raghunath

Chaudhary, Shri Ram Tahal

Chaudhri, Shri Manibhai Ramjibhai

Chauhan, Shri Bal Krishna

Chauhan, Shri Nandkumar Singh

Chauhan, Shri Shriram

Chennithala, Shri Ramesh

Chikhalia, Shrimati Bhavnaben Devrajbhai

Choudhary, Col. (Retd.) Sona Ram

Choudhary, Shri Nikhil Kumar

Choudhary, Shrimati Reena

Choudhry,Shri Padam Sen

Chouhan, Shri Shivraj Singh

Chowdhary, Shrimati Santosh

Chowdhury, Shri Bikash

D'Souza, Dr.(Shrimati) Beatrix

Daggubati, Shri Ramanaidu

Dalit Ezhilmalai, Shri

Das, Shri Khagen

Dattatreya, Shri Bandaru

Delkar, Shri Mohan S.

Deo, Shri Bikram Keshari

Dev, Shri Sontosh Mohan

Deve Gowda, Shri H.D.

Dhinakaran, Shri T.T.V.

Diler, Shri Kishan Lal

Diwathe, Shri Namdeo Harbaji

Dudi, Shri Rameshwar

Dullo, Shri Shamsher Singh

Eden, Shri George

Elangovan, Shri P.D.

Farook, Shri M.O.H.

Fernandes, Shri George

Gadhavi, Shri P.S.

Gamang, Shrimati Hema

Gamlin, Shri Jarbom

Gandhi, Shri Dilipkumar Mansukhlal

Gandhi, Shrimati Sonia

Gautam, Shrimati Sheela

Gavit, Shri Manikrao Hodlya

Gavit, Shri Ramdas Rupala

Gawali, Kumari Bhavana Pundlikrao

Geete, Shri Anant Gangaram

Gehlot, Shri Thawar Chand

George, Shri K. Francis

Ghatowar, Shri Paban Singh

Giluwa, Shri Laxman

Goel, Shri Vijay

Gogoi, Shri Dip

Gohain, Shri Rajen

Govindan, Shri T.

Gudhe, Shri Anant

Gupta, Prof.Chaman Lal

Hamid, Shri Abdul

Handique, Shri Bijoy

Hansda, Shri Thomas

Hussain, Shri Syed Shahnawaz

Jadhav, Shri Suresh Ramrao

Jaffer Sharief, Shri C.K.

Jag Mohan, Shri

Jagannath, Dr. Manda

Jain, Shri Pusp

Jaiswal, Dr. M.P.

Jaiswal, Shri Shankar Prasad

Jaiswal, Shri Shriprakash

Jalappa, Shri R.L.

Jatiya, Dr.Satyanarayan

Jha, Shri Raghunath

Jos, Shri A.C.

Joshi, Dr. Murli Manohar

Kaliappan, Shri K.K.

Kamble, Shri Shivaji Vithalrao

Kanungo, Shri Trilochan

Karunakaran, Shri K

Kashyap, Shri Bali Ram

Kaswan, Shri Ram Singh

Katara, Shri Babubhai K.

Kataria, Shri Rattan Lal

Kathiria, Dr. Vallabhbhai

Katiyar, Shri Vinay

Kaur, Shrimati Preneet

Kaushal, Shri Raghuvir Singh

Khaire, Shri Chandrakant

Khan, Shri Hassan

Khan, Shri Mansoor Ali

Khandelwal, Shri Vijay Kumar

Khanduri, Maj.Gen.(Retd.) B.C.

Khanna, Shri Vinod

Khunte, Shri P.R.

Khurana, Shri Madan Lal

Krishnamraju, Shri

Krishnamurthy, Shri K. Balarama

Krishnamurthy, Shri K.E.

Krishnan, Dr.C

Krishnaswamy, Shri A.

Kulaste, Shri Faggan Singh

Kumar, Shri Arun

Kumar, Shri V. Dhananjaya

Kumarasamy, Shri P.

Kuppusami, Shri C.

Kusmaria, Dr. Ramkrishna

Kyndiah, Shri P.R.

Mahajan, Shri Y.G.

Mahajan, Shrimati Sumitra

Mahale, Shri Haribhau Shankar

Mahant, Dr. Charan Das

Maharia, Shri Subhash

Mahtab, Shri Bhartruhari

Mahto, Shrimati Abha

Majhi, Shri Parsuram

Makwana, Shri Savshibhai

Malaisamy, Shri K.

Malhotra, Dr. Vijay Kumar

Malyala, Shri Rajaiah

Mandal, Shri Brahma Nand

Mane, Shri Shivaji

Mane, Shrimati Nivedita

Manjay Lal, Shri

Manjhi, Shri Ramjee

Mann, Shri Zora Singh

Meena, Shri Bherulal

Mehta, Shrimati Jayawanti

Mishra, Shri Ram Nagina

Mishra, Shri Shyam Bihari

Mistry, Shri Madhusudan

Mohale, Shri Punnu Lal

Mohan, Shri P.

Mohite, Shri Subodh

Mookherjee, Shri Satya Brata

Moorthy, Shri A.K.

Munda, Shri Kariya

Muni Lall, Shri

Muniyappa, Shri K.H.

Muraleedharan,Shri K.

Murthi, Dr. M.V.V.S.

Murugesan, Shri S

Muttemwar, Shri Vilas

Nagmani, Shri

Naik, Shri A. Venkatesh

Naik, Shri Ali Mohd.

Naik, Shri Ram

Naik, Shri Shripad Yasso

Narah, Shrimati Ranee

Nayak, Shri Ananta

Nitish Kumar, Shri

Ola, Shri Sis Ram

Oram, Shri Jual

Osmani, Shri A.F. Golam

Padmanabham, Shri Mudragada

Pal, Dr. Mahendra Singh

Pal, Shri Rupchand

Palanimanickam, Shri S.S.

Pandey, Shri Ravindra Kumar

Pandeya, Dr. Laxminarayan

Pandian, Shri P.H.

Paranjpe, Shri Prakash

Parthasarathi, Shri B.K.

Parste, Shri Dalpat Singh

Passi,Shri Raj Narain

Paswan,Dr. Sanjay

Paswan, Shri Sukdev

Patasani, Dr.Prasanna Kumar

Patel, Dr. Ashok

Patel, Shri Chandresh

Patel, Shri Dharam Raj Singh

Pathak, Shri Harin

Patil, Shri Amarsinh Vasantrao

Patil, Shri Annasaheb M.K.

Patil, Shri Balasaheb Vikhe

Patil (Yatnal), Shri Basangouda R.

Patil, Shri Bhaskarrao

Patil, Shri Jaysingrao Gaikwad

Patil, Shri Prakash V.

Patil, Shri R.S.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patnaik, Shrimati Kumudini

Patwa, Shri Sundar Lal

Pilot, Shrimati Rama

Ponnuswamy, Shri E.

Potai, Shri Sohan

Pradhan, Dr. Debendra

Pradhan, Shri Ashok

Prasad, Shri V.Sreenivasa

Premajam, Prof. A.K.

Puglia, Shri Naresh

Radhakrishnan, Shri Varkala

Rai, Shri Nawal Kishore

Raja, Shri A.

Rajbangshi, Shri Madhab

Rajendran, Shri P.

Rajukhedi, Shri Gajendra Singh

Ram Sajivan, Shri

Ram, Shri Braj Mohan

Ramaiah, Dr. B.B.

Ramaiah, Shri Gunipati

Ramachandran, Shri Gingee N.

Ramshakal, Shri

Ramulu, Shri H.G.

Rao, Shri Ch.Vidyasagar

Rao, Dr. D.V.G.Shankar

Rao, Shri Ganta Sreenivasa

Rao, Shri S.B.P.B.K. Satyanarayana

Rathwa, Shri Ramsinh

Rau, Shrimati Prabha

Ravi, Shri Sheesh Ram Singh

Rawale, Shri Mohan

Rawat, Prof. Rasa Singh

Rawat, Shri Pradeep

Ray, Shri Bishnu Pada

Reddy, Shri A.P.Jithender

Reddy, Shri B.V.N.

Reddy, Shri Chada Suresh

Reddy, Shri Gutha Sukender

Reddy, Shri N. Janardhana

Reddy, Shri S. Jaipal

Renu Kumari, Shrimati

Riyan, Shri Baju Ban

Roy, Shri Subodh

Rudy, Shri Rajiv Pratap

Sahu, Shri Anadi

Sahu, Shri Tarachand

Saiduzzama, Shri

Sanadi, Prof. I.G.

Sangtam, Shri K.A.

Sangwan, Shri Kishan Singh

Saroj, Shri Tufani

Saroj, Shrimati Sushila

Saroja, Dr. V.

Sathi, Shri Harpal Singh

Sayeed, Shri P.M.

Selvaganpathi, Shri T.M.

Sethi, Shri Arjun Charan

Shah, Shri Manabendra

Shaheen, Shri Abdul Rashid

Shandil, Col.(Retd.)Dr. Dhani Ram

Shanmugam, Shri N.T.

Shanta Kumar, Shri

Sharma, Capt. Satish

Shukla, Shri Shyamacharan

Singh Deo, Shri K.P.

Singh Deo, Shrimati Sangeeta Kumari

Singh, Capt.(Retd) Inder

Singh, Ch.Tejveer

Singh, Dr. Ram Lakhan

Singh, Dr. Raman

Singh, Kunwar Akhilesh

Singh, Sardar Buta

Singh, Shri Bahadur

Singh, Shri Brij Bhushan Sharan

Singh, Shri C.N.

Singh, Shri Chandra Pratap

Singh, Shri Chandra Vijay

Singh, Shri Charanjit

Singh, Shri Chhattrapal

Singh, Shri Digvijay

Singh, Shri Khel Sai

Singh, Shri Lakshman

Singh, Shri Maheshwar

Singh, Shri Prabhunath

Singh, Shri Radha Mohan

Singh, Shri Rajo

Singh, Shri Ram Prasad

Singh, Shri Ramanand

Singh, Shri Ramjivan

Singh, Shri Rampal

Singh, Shri Tilakdhari Prasad

Singh, Shrimati Kanti

Sinha, Shri Manoj

Sinha, Shri Yashwant

Sivakumar, Shri V.S.

Sorake, Shri Vinay Kumar

Sreenivasan, Shri C.

Srikantappa, Shri D.C.

Srinivasulu, Shri Kalava

Subba, Shri M.K.

Sudarsana Natchiappan, Shri E.M.

Sudheeran, Shri V.M.

Suman, Shri Ramji Lal

Sunil Dutt, Shri

Suresh, Shri Kodikunnil

Swain, Shri Kharabela

Swami, Shri Chinmayanand

Thakkar, Shrimati Jayaben B.

Thakor, Shri Punjaji Sadaji

Thakur, Dr. C.P.

Thakur, Shri Chunni Lal Bhai

Thirunavukkarasar, Shri Su

*Thomas, Shri P.C.

Tiwari, Shri Lal Bihari

Tiwari, Shri Sunder Lal

Tomar, Dr. Ramesh Chand

Tripathee, Shri Ram Naresh

Vaghela, Shri Shankersinh

*Vajpayee, Shri Atal Bihari

Vasava, Shri Mansukhbhai D.

Venkataswamy, Dr. M.

Venkateshwarlu, Shri B.

Verma, Dr. Sahib Singh

Verma, Prof. Rita

Verma, Shri Ram Murti Singh

Verma, Shri Ravi Prakash

Vetriselvan, Shri V.K.

Vijaya Kumari, Shrimati D.M.

Vijayan, Shri A.K.S.

Virendra Kumar, Shri

Vukkala, Dr. Rajeswaramma

Vyas, Dr. Girija

*Recorded through slips

Wadiyar, Shri S.D.N.R.

Wanga, Shri Chintaman

Wangcha, Shri Rajkumar

Yadav, Dr. (Shrimati) Sudha

Yadav, Shri Akhilesh

Yadav, Dr.Jaswant Singh

Yadav, Shri Balram Singh

Yadav, Shri Devendra Prasad

Yadav, Shri Hukumdeo Narayan

Yadav, Shri Mulayam Singh

Yadav, Shri Pradip

Yadav, Shri Sharad

Yerrannaidu, Shri K.

MR. SPEAKER: Subject to correction* , the result of the division is:

Ayes: 369

Noes: 0

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Bill, as amended, is passed by the requisite majority, in accordance with the provisions of article 368 of the Constitution.

The motion was adopted.

MR. SPEAKER: Now, the lobbies may please be opened. The House stands adjourned to meet tomorrow, that is, on 7th May, 2003 at 11 a.m.

18.26 hours

The Lok Sabha then adjourned till Eleven of the Clock

on Wednesday, May 7, 2003/Vaisakha 17, 1925 (Saka).

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* **AYES** : Shri P.C. Thomas and Shri Atal Bihari Vajpayee recorded through division slips. **Total : 371**